

## Chapter 31

### VEHICLES FOR HIRE\*

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\*Annotation—CAO 81-26.

**Charter reference**—Authority of Board of County Commissioners to license and regulate taxis, jitneys, and other vehicles for hire in the unincorporated area of County, § 1.01(A)(3).

**Cross references**—Ambulances and nonemergency medical vehicles, Ch. 4; loud, unnecessary and excessive noises created by means of sounding horn on automobiles, § 21-28; traffic and motor vehicles, Ch. 30.



**ARTICLE I. IN GENERAL****Secs. 31-1—31-67. Reserved.**

**Editor's note**—Ord. No. 62-4, enacted Feb. 6, 1962, repealed §§ 31-1—31-67 of the Code. Previously these sections, providing for the licensing and regulation of vehicles for hire operating in the unincorporated areas of Miami-Dade County, were derived from Ord. No. 58-35, as amended. The Supreme Court of Florida, in *Miami-Dade County v. Mercury Radio Service, et al.*, Fla. 1961, 134 So. 2d 791, declared said ordinance unconstitutional.

**Sec. 31-68. Hotels, motels, etc.—Driver soliciting patronage of passengers for.**

It shall be unlawful for the driver or operator of any taxicab or other passenger vehicle for hire, while engaged in such occupation within the incorporated or unincorporated areas of Miami-Dade County, to solicit the patronage of any passenger, prospective passenger, or other person in behalf of any hotel, motel, apartment house, restaurant, night club, bar, or other business establishment.

(Ord. No. 61-39, § 1, 9-19-61)

**Sec. 31-69. Same—Driver diverting patronage to.**

It shall be unlawful for the driver or operator of any taxicab or other passenger vehicle for hire, while engaged in such occupation within the incorporated or unincorporated areas of Miami-Dade County, to divert or attempt to divert a prospective patron from any hotel, motel, apartment house, restaurant, night club, bar, or other business establishment.

(Ord. No. 61-39, § 2, 9-19-61)

**Sec. 31-70. Same—Paying for patronage secured.**

It shall be unlawful for the owner, manager or operator of any hotel, motel, apartment house, restaurant, night club, bar, or other business establishment, of any of the agents, servants or employees thereof, or any other person connected therewith, to pay or offer to pay to the driver or operator of any taxicab or other passenger vehicle for hire any money, compensation, reward, gratuity, or other thing of value, directly or indirectly, for soliciting any passenger, prospective passen-

ger or other person to patronize the place of business of such person, or for diverting or attempting to divert any prospective patron, guest or customer from any other business establishment to that of such person.

(Ord. No. 61-39, § 3, 9-19-61)

**Sec. 31-71. Same—Accepting pay for patronage secured.**

It shall be unlawful for the driver or operator of any taxicab or other passenger vehicle for hire to receive, accept or agree to receive or accept, or solicit, from the owner, manager or operator of any hotel, motel, apartment house, restaurant, night club, bar, or other business establishment, or any of the agents, servants or employees thereof, or any other person connected therewith, directly or indirectly, any money, compensation, reward, gratuity, or other thing of value, for soliciting patrons, guests or customers for the place of business of such person, or for diverting or attempting to divert any prospective patron, guest or customer from another place of business to the place of business of such person.

(Ord. No. 61-39, § 4, 9-19-61)

**Sec. 31-72. Notice to passengers to be displayed.**

It shall be unlawful for any person to operate any taxicab or other passenger vehicle for the public transportation of passengers in the incorporated or unincorporated areas of Miami-Dade County without permanently displaying therein, in such position that it may be easily read by all passengers, a legibly printed notice in form and substance as follows: "It is unlawful for the driver of this vehicle to recommend or solicit patronage for any place of business."

(Ord. No. 61-39, § 5, 9-19-61)

**Sec. 31-73. Hospitals, convalescent homes, mortuaries included in above restrictions.**

It shall be unlawful for any person to pay, offer to pay, receive, accept, take, or solicit the payment of any money, compensation, gratuity or other thing of value (commonly known as "turkey money"), for the purpose of inducing, seeking to in-

duce, soliciting, or causing any person to patronize, use, or to be taken to any hospital, convalescent home, mortuary, or place of business, or for the purpose of diverting or attempting to divert any person from the hospital, convalescent home, mortuary, or place of business of his choice to another such establishment or place of business.  
(Ord. No. 61-39, § 6, 9-19-61)

**Sec. 31-74. Penalties for violating Sections 31-68—31-76.**

(a) A violation of this article shall constitute a civil offense punishable by the applicable civil penalty as provided in the schedule of penalties in Section 8CC-10 of the Code. Failure of a person providing passenger for hire service to pay a civil penalty within sixty (60) days of the due date for paying such fine as specified on the civil violation notice or within sixty (60) days of the date of the final outcome of any timely filed appeal of such violation notice, whichever is later, shall result in automatic suspension of such person's passenger for-hire authority and all for-hire operations shall cease until such fine is paid in full.

(b) Any person who is found guilty on at least two (2) prior occasions within a three (3) year period of violating a provision of this article shall for the third such violation be punishable by fines of greater than \$5,000 but less than \$10,000 and/or imprisonment not to exceed forty-five (45) days. Findings of guilt under the provisions of Chapter 8CC-10 of the Code for violations of this article shall be counted for the purposes of establishing the prior record for this subsection.

(c) Notwithstanding the provisions of this article, the Consumer Services Department Director may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.

(d) For purposes of this article, the term "passenger vehicle for hire" shall mean any vehicle regulated by Chapter 4, article III, or Chapter 31 of the Code and the terms "driver" or "operator" of

a passenger vehicle for hire shall mean any driver or operator regulated by Chapter 4, article III or Chapter 31 of the Code.

(Ord. No. 88-118, § 2, 12-6-88; Ord. No. 99-08, § 1, 1-21-99)

**Sec. 31-75. Applicability of Sections 31-68—31-75.**

The provisions of Sections 31-68 through 31-76 shall be applicable to and effective in both the incorporated and unincorporated areas of Miami-Dade County, Florida. This article shall be enforced by authorized personnel of the Consumer Services Department, the police forces of the various municipalities in Miami-Dade County and by the Miami-Dade Police Department.

(Ord. No. 61-39, § 8, 9-19-61; Ord. No. 99-08, § 1, 1-21-99)

**Sec. 31-76. Prohibition against compensation for right to pick-up passengers.**

(a) It shall be unlawful for any passenger service company, for-hire license holder, chauffeur or operator of any passenger vehicle for hire or any other person directly or indirectly to provide compensation in any form to any individual or entity or engage in any activity in connection with the payment of compensation for the right to pick up passengers or provide for-hire passenger service from any hotel, motel, apartment, restaurant, nightclub, bar, school, hospital, convalescent home, medical clinic or any other business establishment, or public facility. The license, registration or certificate of any passenger service company, for-hire license holder, chauffeur or operator of any passenger vehicle for hire violating this provision shall be subject to suspension for up to six (6) months in accordance with the provisions of the Code.

(b) It shall be a violation of this article for any individual or entity to accept compensation in any form, either directly or indirectly, from any passenger service company, for-hire license holder, chauffeur or operator of any passenger vehicle for hire or any other person for the right to pick up passengers or provide for-hire passenger service from any hotel, motel, apartment, restaurant,

nightclub, bar, school, hospital, convalescent home, medical clinic or any other business establishment or public facility.

(Ord. No. 99-08, § 1, 1-21-99)

**Secs. 31-77—31-80. Reserved.**

## ARTICLE II. LICENSING AND REGULATION OF FOR-HIRE MOTOR VEHICLES\*

### Sec. 31-81. Definitions.

For the purposes of this article, the following definitions shall apply:

(a) *The ADA-defined area of Miami-Dade County* means the complementary paratransit service area as required by the ADA or any federal regulations established pursuant to the ADA. The service area includes an area with a width of three-fourths ( $\frac{3}{4}$ ) of a mile on each side of Miami-Dade County's fixed bus routes and an area consisting of a circle with a radius of three-fourths ( $\frac{3}{4}$ ) of a mile around each Metrorail station.

(b) *The Americans with Disabilities Act of 1990 or the ADA* means the civil rights acts signed into law on July 26, 1990 as Public Law 101-336, 104 Stat. 327, as the same may be amended from time to time.

**\*Editor's note**—Ch. 31, Art. II, §§ 31-81—31-93, was amended in its entirety by Ord. No. 81-85, § 3, adopted July 21, 1981. Prior to the enactment of said 81-85, Art. II had derived from Ord. No. 79-25, adopted March 20, 1979, which ordinance was held invalid. Section 2 of Ord. No. 81-85 reconfirmed the repeal (by Ord. No. 79-25) of earlier Ord. Nos. 75-35, 75-111, 77-42, 78-61—78-86, from which Art. II had derived prior to the passage of Ord. No. 79-25. Ord. No. 81-85, § 2, also repealed Ord. Nos. 79-60, 79-77, 79-116, 80-17, 80-74, 80-85 and 80-96, which were not codified.

**Charter reference**—Power and authority of Board of County Commissioners to license and regulate taxis, jitneys, limousines for hire, rental cars, etc., § 1.01(A)(3).

**Cross references**—Ambulances and medical transportation vehicles, Ch. 4; regulation of ground transportation by aviation department, § 25-4; traffic and motor vehicles generally, Ch. 30; parking of taxicabs, buses in other than bus stop or taxicab stand, § 30-388.26; authority of bus operators to stop on roadway at bus stops, § 30-388.28.

(c) *Applicant* means an individual, partnership or corporation which applies for a for-hire license, permit, chauffeur's registration, or a passenger service company registration pursuant to the provisions of this article. "Applicant" shall also mean an individual, partnership or corporation which makes application, where applicable, to renew or transfer a for-hire license, permit, chauffeur's registration or a passenger service company registration pursuant to the provisions of this article. In the case of partnerships and corporations, "applicant" shall also mean each individual with a partnership interest, each shareholder owning at least five (5) percent of the shares of the corporation as well as the corporate officers and directors.

(d) *Chauffeur* means a duly licensed driver registered with and authorized by the Consumer Services Department to operate a for-hire passenger motor vehicle.

(e) *Chauffeur agreements* means the CSD approved form agreements entered into by the chauffeur and the passenger service company and the chauffeur and the for-hire license holder prior to the provision of any for-hire service.

(f) *Chauffeur registration* means a registration card issued by the CSD.

(g) *Color scheme and markings* mean a County-approved decorative vehicle exterior design to be utilized on each vehicle.

(h) *Commission* means the Board of County Commissioners of Miami-Dade County, Florida.

(i) *County* means Miami-Dade County, Florida.

(j) *County Manager* means the chief executive officer and head of the administrative branch of county government as provided in Article 3 of the Home Rule Charter of Miami-Dade County.

(k) *CSD* means the Miami-Dade County Consumer Services Department

(l) *Director* means the CSD director or the director's designee.

(m) *Dispatch* means a communication via two-way radio or cellular telephone from a passenger service company to a taxi chauffeur to provide for-hire transportation to a passenger.

(n) Reserved.

(o) *Fares or rates* means the charges established pursuant to this article to be paid by passengers for the transportation services provided by a for-hire passenger motor vehicle.

(p) *For compensation or compensation* means for money, property, service or anything of value, including tips and commissions.

(q) *For-hire* means driving, operating, or managing a for-hire passenger motor vehicle, and includes all non-revenue producing operations of the passenger motor vehicle.

(r) *For-hire license* means an annual, renewable license issued pursuant to this Article which authorizes the provision of for-hire transportation services and which may expire, be suspended or revoked.

(s) *Passenger service company* means a Florida corporation or partnership created for the purpose of providing passenger services for for-hire taxi operations and providing various services to for-hire license holder(s) and chauffeurs with whom the passenger service company has entered into passenger service agreements.

(t) *Passenger service company registration* means an annual, renewable registration issued pursuant to this article which grants authority to provide passenger services for for-hire operations and which may expire, be suspended or revoked.

(u) *For-hire passenger motor vehicle or for-hire motor vehicle* means any chauffeur-driven taxicab as defined herein which engages in the casual and nonrecurring transportation of persons and their accompanying property for compensation over the public streets, but excluding ambulances and nonemergency medical transportation of decedents and persons participating in funeral services, vehicles used solely to provide free transportation services for customers of the business establishment owning said vehicles, vehicles used solely to provide special transportation services for the Metro-Miami-Dade Transit Agency pursu-

ant to a contract with Miami-Dade County, and rental or leased vehicles which rental or lease does not include a chauffeur; provided, however, that no vehicles excluded under this definition shall be used on a for-hire basis except as authorized by this article. Vehicles used to provide Metro-Miami-Dade Transit Agency special transportation services pursuant to a contract with Miami-Dade County are subject to the regulations contained in Article IV of this chapter.

(v) *Good cause* shall mean delay caused by circumstances beyond the control of the applicant.

(w) *In service* means a for-hire vehicle which is displaying a valid, current operating permit or decal, as applicable, issued by the CSD.

(x) *Passenger service agreement* means the CSD approved form agreement entered into by the for-hire license holder and the passenger service company prior to any for-hire operation.

(y) *MDTA* means the Miami-Dade Transit Agency.

(z) *Medallion* means a plate or decal issued by CSD as the physical evidence of a taxicab license which is affixed to the outside or inside of such taxicab.

(aa) *Medallion system* means the system which deems a taxicab for-hire license to be intangible property.

(bb) *Off Duty* means the periodic, temporary cessation of daily for-hire service indicated by a sign placed and visible on the vehicle's front windshield and which shall not be construed to alter the "in service" status of the for-hire vehicle. No for-hire vehicle in operation or awaiting passengers shall display an off-duty sign.

(cc) *Operate* means to provide transportation services for compensation regulated by this article utilizing a for-hire passenger motor vehicle.

(dd) *Operating permit* means the valid and current vehicle decal issued to the license holder or passenger service company, when applicable, which authorizes a specific, registered vehicle to operate for-hire and which may expire, be suspended or revoked.

(ee) *Operator* means any person who has been issued a for-hire license and her, his or its agent, where applicable, which shall be a passenger service company.

(ff) *Out of Service* means the removal of a for-hire vehicle from operation by removal of a valid, current operating permit and filing with the CSD a CSD form removing the vehicle from service.

(gg) *Paratransit services* means any transportation service provided for compensation to passengers with disabilities by motor carriers between specific origins and destinations selected by the individual user at a certain time that is agreed upon by the user and the service provider.

(hh) *Passenger* means a person utilizing a for-hire vehicle for the purpose of being transported to a destination, or a person who is awaiting the arrival of a dispatched for-hire vehicle, and does not include the chauffeur.

(ii) *Person* means any natural person(s), firm, partnership, association, corporation, or other business entity.

(jj) *Personnel authorized by the CSD* means uniformed enforcement personnel and any other individual authorized by the director.

(kk) *Place of business* means the specific Miami-Dade County address where management of for-hire operations is provided and which is zoned for the appropriate business usage and matches the address on a current valid occupational license.

(ll) *Rate card* means a card, issued by the CSD, which displays for-hire rates and such other data as the CSD may prescribe.

(mm) *Solicit* means an appeal by bell, horn, whistle, words or gestures by a chauffeur or his or her agent directed at individuals or groups.

(nn) *Street* means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct or other public place accessible to the public, located in Miami-Dade County and used by motor vehicles.

(oo) *Street hail* means an immediate arrangement made on a street with a taxi chauffeur by a person seeking immediate transportation by taxi.

(pp) Reserved.

(qq) *Taxicab* means an eight (8) passenger or less, exclusive of chauffeur, for-hire passenger motor vehicle, which is not a limousine, with at least three (3) doors, designed, constructed, reconstructed and equipped as required in this chapter to provide either street hail or prearranged taxicab service, which is equipped with a taximeter, unless authorized to exclusively operate at a flat rate, and where the route and destination are controlled by the passenger.

(rr) *Taxicab stand* means the county-approved location on a public right-of-way for awaiting employment which is specifically marked with a taxicab stand sign. "Taxicab stand" also means a location for awaiting employment authorized and provided by the owner of private property.

(ss) *Taximeter* means any approved mechanical or electronic internally mounted device approved by the CSD and meeting all certifications, tolerances and other technical requirements for taximeters specified in the most recent edition of the National Bureau of Standards Handbook H. 44 published by the U.S. Department of Commerce which automatically records and indicates a charge or fare measured by distance traveled, waiting time, or other traditionally compensable activities or times of taxicab service.

(tt) *Trade name or doing business as or (d/b/a) name* means the county-approved name under which the for-hire license holder and the passenger service company may provide for-hire passenger motor vehicle transportation services, and which name shall not duplicate the name of any other license holder or passenger service company.

(uu) *Two-way dispatch system* means a communication system utilizing a two-way radio or cellular telephone by which a dispatcher may communicate with the chauffeurs of all taxicabs during all hours of vehicle operation and in which each for-hire vehicle is equipped with a two-way radio or cellular telephone.

(vv) *Waiting employment or awaiting employment* means that the vehicle and chauffeur are available and are in proper condition, location, attendance so as to be hired for service.

(ww) *Paratransit passenger* means an individual receiving paratransit services who has a physical or mental impairment as defined by the ADA that substantially limits one (1) or more of the major life activities of such individual, has a record of such impairment or has been regarded as having such an impairment.

(xx) *Accessible vehicle* means a vehicle that has been significantly modified and specially equipped with the installation of lifts or other equipment necessary for the transport of disabled persons who use wheelchairs or wheelchair conveyances.

(yy) *Wheelchair* means those wheeled devices, usable indoors, designed for and used by persons with mobility impairments which do not exceed 30 inches in width and 48 inches in length, measured 2 inches above the ground, and do not weigh more than 600 pounds when occupied.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 82-11, § 2, 2-18-82; Ord. No. 87-12, §§ 1, 2, 3-17-87; Ord. No. 88-124, § 1, 12-20-88; Ord. No. 91-130, § 1, 11-5-91; Ord. No. 95-221, § 2, 12-5-95; Ord. No. 98-105, § 1, 7-9-98; Ord. No. 00-139, § 1, 11-14-00; Ord. No. 03-45, § 1, 3-11-03)

#### **Sec. 31-82. For-hire licenses.**

(a) Prohibition against unauthorized operations. It shall be unlawful for any person to use, drive or operate, or to advertise in any newspaper, airwave transmission, telephone directory or other medium accessible to the public that it offers for-hire services, or to cause or permit any other person to use, drive or operate any for-hire motor vehicle upon the streets of Miami-Dade County without first obtaining a Miami-Dade County for-hire license and maintaining it current and valid pursuant to the provisions of this article.

(b) Out-of-County origin exception. Nothing in this article shall be construed to prohibit:

- (1) Discharge within Miami-Dade County of any passenger lawfully picked up in another County and lawfully transported into Miami-Dade County.
- (2) Pick up of a paratransit passenger by a provider of paratransit services that is duly licensed and legally authorized to

provide paratransit services in a county adjacent to Miami-Dade County provided that such county has determined that the passenger is eligible for paratransit services and such passenger is picked-up within the ADA-defined area of Miami-Dade County. A paratransit service provider shall not be required to obtain a Miami-Dade County Certificate of public convenience and necessity for such purpose, nor shall a chauffeur of such paratransit vehicle be required to obtain a Miami-Dade County for-hire chauffeur's registration.

(c) Application procedures. Every initial application for a for-hire license, renewal application, amendment to a for-hire license or transfer of a for-hire license, shall be in writing, signed and sworn to by the applicant, and shall be filed with the CSD together with an investigative and processing fee which shall be nonrefundable. If the applicant is a corporation, the form shall be signed and sworn to by the president or vice-president, and the corporate secretary shall attest such signature and affix the corporate seal. If the applicant is a partnership, the form shall be signed and sworn to by a general partner. The application shall be on a form provided by the CSD and shall contain all information required thereon, including:

- (1) Sufficient information to identify the applicant, including but not limited to full legal name and trade name, date of birth, telephone number, business address and residence address, of the applicant. If the applicant is a corporation, the foregoing information shall be provided for each officer, resident agent, director, and stockholder. If the applicant is a partnership, the foregoing information shall be provided for each partner. As part of such application, the applicant shall also disclose the foregoing information for any person who has any interest (legal, equitable, beneficial or otherwise) in the license. Post office box addresses will not be accepted hereunder.

(a) Reserved.



- (b) *Business location requirements for taxicab for-hire licensees.* All applicants who are applying for a taxicab for-hire license after the effective date of this ordinance or have been issued a taxicab for-hire license after the effective date of this ordinance shall have a place of business in Miami-Dade County, Florida. All corporate or partnership applicants shall be organized or qualified to do business under the laws of Florida and shall have a place of business in



Miami-Dade County, Florida. Post office box addresses will not be accepted.

- (2) The class or classes of transportation service which the applicant desires to furnish.
  - (3) A brief description of the kind(s) and type(s) of vehicles, seating capacity, seating arrangements, gross weight, mileage and number of vehicles proposed to be used.
  - (4) The names and addresses of at least three (3) residents of the County as references.
  - (5) The trade name under which the applicant intends to operate and a description, where applicable, of a distinctive uniform and decorative color scheme including placement of numbers and other markings.
  - (6) A record and proof of all present and prior transportation business activities of the applicant during the past five (5) years.
  - (7) A record of all crimes to which the applicant has pled nolo contendere, pled guilty, or of which the applicant has been found guilty or been convicted, whether or not adjudication has been withheld within the five (5) years preceding the date of the application. The applicant shall have his fingerprints and photograph taken by the Miami-Dade Police Department. In the case of a corporate or partnership applicant, this information shall be obtained from all corporate officers and directors or partners, as the case may be. In the case of corporations, the above information shall be obtained from stockholders who own, hold or control five (5) percent or more of the corporation's issued and outstanding stock.
  - (8) Two (2) credit references including at least one (1) bank where applicant has an active account. In lieu of the second credit reference, the applicant may submit alternative written evidence of financial trustworthiness.
  - (9) Reserved.
  - (10) Reserved.
  - (11) A sworn statement signed by the applicant that all the information provided by the applicant is true and correct.
  - (12) Any additional information as the Director shall require to enforce the provisions of this article.
  - (13) The name of the passenger service company who shall act as the for-hire license holder's agent, where applicable.
- (d) Investigation of for-hire license applicants. The director shall investigate each application and accompanying required documents and reject any application that is not properly filed or that is incomplete or untrue in whole or in part. The director may approve or deny the issuance of for-hire licenses as specified in this chapter on such terms and conditions as the public interest may require. The director's decision to reject or to deny may be appealed in accordance with this chapter.
- An applicant shall not be eligible for a for-hire license if he/she/it:
- (1) Has misrepresented or concealed a material fact on his, her or its application;
  - (2) Is an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States;
  - (3) Is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;
  - (4) Has pled nolo contendere, pled guilty, been found guilty or been convicted of a felony within the last five (5) years, regardless of whether adjudication has been withheld, unless his or her civil or residency rights have been restored;
  - (5) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a for-hire vehicle was employed whether or not adjudication has been withheld;
  - (6) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any felony, regardless of whether adjudication

has been withheld, involving moral turpitude relating to sex, the use of a deadly weapon, homicide, trafficking in narcotics, violence against a law enforcement officer under Section 775.0823, Florida Statutes, or is a habitual violent felony offender under Section 775.084, Florida Statutes;

- (7) Has violated any condition, limitation, or restriction of a for-hire license imposed by the director or commission where the director deems the violation to be grounds for denial;
- (8) Was enjoined by a court of competent jurisdiction from engaging in the for-hire business or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this chapter;
- (9) Has as a stockholder, officer, director, or partner of a corporation or partnership committed an act or omission which would be cause for denying a for-hire license to the officer, director, stockholder, or partner as an individual;
- (10) Failed to comply with the terms of a cease and desist order, notice to correct a violation or any other lawful order of the director;
- (11) Has failed to satisfy the residency and domicile requirements of this chapter;
- (12) Does not have a place of business located in Miami-Dade County, Florida;
- (13) Has any unsatisfied civil penalty or judgment pertaining to for-hire operation;
- (14) Has had a for-hire license issued by Miami-Dade County revoked;
- (15) Has within the last five (5) years plead nolo contendere, pled guilty, been found guilty or been convicted of any misdemeanor (regardless of whether adjudication is withheld) involving moral turpitude relating to sex; or
- (16) Has within the last ten (10) years plead nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication is withheld) of any

offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.

Where the provisions of this article limit the total number of for-hire licenses to be issued for a specific category of for-hire transportation, the director shall not issue licenses in excess of such limit. Any for-hire licenses requiring approval by the commission shall be submitted to the commission with the written recommendation of the County Manager.

(e) Conditions for obtaining a for-hire license. No for-hire license shall be issued unless the applicant:

- (1) Has paid an initial or annual license fee;
- (2) Has provided an adequate management plan, where applicable, and has submitted a sworn statement that the applicant has executed a passenger service agreement;
- (3) Has submitted proof of insurance required by this article;
- (4) Has ensured that the for-hire passenger motor vehicle to be operated under the applicant's for-hire license has passed all required vehicle inspections. Failure of the applicant to meet all of the foregoing requirements within forty-five (45) days after notification of conditional approval shall cause the license not to be issued. If the applicant believes he, she or it cannot meet the foregoing requirements within the forty-five-day period, the applicant may, prior to expiration of such forty-five-day period, request in writing a reasonable extension from the director. If the request states good cause for an extension, the director may grant such a reasonable extension as the director finds is in the public interest.

(f) Vehicles authorized to operate under a for-hire license. The number of vehicles authorized to operate under a for-hire license are as follows: taxi for-hire license holders shall operate only one (1) vehicle per for-hire license.

(g) Issuance and replacement of for-hire license.

- (1) *Issuance.* Each for-hire license shall be on a form developed by the CSD and shall be signed by the director. Each for-hire license shall, at a minimum, contain the name and the business address of the license holder, date of issuance, its expiration date and such additional terms, conditions, provisions and limitations as were imposed during the approval process.

- (2) *Replacement.* The director may issue a replacement license to any license holder upon application, payment of a non-refundable replacement fee and presentation of proof or a sworn affidavit that the license has been lost or stolen.

(h) Expiration of and renewal process for for-hire license. For-hire licenses may be issued for such periods as specified in the Administrative Order establishing the fees. The CSD may establish staggered license terms to ease administration of the renewal process. Each renewal shall be submitted no less than thirty (30) days prior to expiration of the current initial or annual for-hire license together with payment of a license fee. As part of the renewal process, the original application shall be updated and verified by the applicant on forms supplied by the CSD. The director shall deny any renewal application that is not timely, is not properly filed, is incomplete, is untrue in whole or in part, or results in a determination by the director that the applicant has failed to satisfy the requirements of subsections 31-82(c)(d) or (e). Renewal applications shall additionally include disclosure of all interests in the for-hire license (legal, beneficial, equitable or otherwise) and a sworn statement as to the number of months which each permitted for-hire vehicle operated during the preceding license year. Appeal of the denial of a renewal application shall be in accordance with this chapter.

(i) Grace period. License holders shall have a grace period of up to thirty (30) days after expiration of their license in which to renew same provided, however, that all operations shall cease on the date of license expiration and the license

holder shall also pay a late fee over and above the annual license fee. All for-hire licenses which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.

(j) Rules of operation. For-hire license holders shall abide by all rules and regulations applicable to for-hire license holders and shall be subject to the enforcement provisions contained in this chapter and chapter 8CC of the Miami-Dade County Code. A for-hire license holder and her, his or its agents shall comply with the following regulations:

- (1) Comply with applicable federal law, Florida law, and ordinances, rules and regulations of the County applicable to the operation of for-hire vehicles;
- (2) Immediately report any change of address;
- (3) Maintain all records pertaining to the for-hire operations of a vehicle at the place of business of the entity responsible for passenger services for one (1) year and make same available for inspection during the regular business hours of such entity. When requested by the CSD, the entity shall provide copies of the records;
- (4) Where required by this article, enter into a passenger service agreement with a passenger service company to provide passenger services or directly perform passenger services as provided in Section 31-100;
- (5) Obtain the operating permit for each for-hire vehicle operated pursuant to authority of the for-hire license and pay all application and vehicle inspection fees;
- (6) Not permit or authorize any chauffeur or other person to operate any for-hire vehicle without that vehicle's current valid operating permit being displayed therein;
- (7) Not allow any person to operate a for-hire vehicle who is not a Miami-Dade County registered chauffeur and who has not entered into a chauffeur's agreement in accordance with this article;

- (8) Not allow or permit any person to operate a for-hire vehicle without current, valid and sufficient insurance coverage as required in this chapter;
  - (9) Register and have inspected by CSD all vehicles to be placed into service and all vehicles taken out of service;
  - (10) Not permit or authorize anyone to drive any for-hire vehicle unless the brakes, steering mechanism, tires, horn, windshield wipers, side and rearview mirrors and all lighting devices are in good working order and the vehicle meets all other applicable vehicle standards as set forth in this chapter;
  - (11) Not allow or permit any person to operate a for-hire vehicle while his or her ability or alertness is so impaired or so likely to become impaired through fatigue, illness, or any other cause, as to make it unsafe for the chauffeur to begin or continue to drive the for-hire vehicle;
  - (12) Not refuse or neglect to transport to or from any place in the county, any orderly person requesting service. Every deaf or hard of hearing person, totally or partially blind person, or physically disabled person shall have the right to be accompanied by a service animal specially trained for the purpose without being required to pay an extra charge for the service animal;
  - (13) Each for-hire license holder shall enter into a written chauffeur's agreement with each chauffeur it allows to operate any for-hire vehicle. The written chauffeur's agreement:
    - (a) Shall provide for an express duration of the agreement;
    - (b) Shall only be terminated with at least thirty (30) days prior notice unless good cause be shown and only for the reasons stated therein;
    - (c) Shall state the full legal name and address (post office boxes shall not be acceptable) and respective license holder's number and chauffeur's registration numbers;
- (d) Shall state and itemize the compensation to be paid by the chauffeur for the right to operate a for-hire vehicle authorized by a for-hire license. It shall be unlawful for the for-hire license holder to receive any compensation from the chauffeur which is not specified in the existing chauffeur's agreement. The Agreement shall specifically provide that the compensation to be paid by a chauffeur may be paid utilizing any of at least two of the following: (1) cash, (2) money order, (3) certified check, (4) cashier's check, (5) valid traveler's check, (6) valid bank credit card, or (7) valid personal check showing on its face the name and address of the chauffeur. The chauffeur shall be allowed to make payment as provided in the preceding sentence, and shall be provided with a written receipt which contains the name of the license holder or passenger service company, whichever is applicable, and the name of the driver, the for-hire license number, payment amount and form of payment utilized, date of payment and the period covered by the payment;
  - (e) Shall state whether the passenger service company or the license holder shall be responsible for obtaining the required insurance for the for-hire vehicle;
  - (f) Shall state that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees.
  - (g) Shall be signed by both the chauffeur and the license holder; and
  - (h) Shall include a sworn statement attesting to the truth of all representations made in the chauffeur agreement.

- (14) For-hire license holders who operate an accessible vehicle shall place an advertisement in the Yellow Pages of the Miami-Dade County Telephone Directory under the trade name under which the owner operates indicating that it is capable of providing service to wheelchair passengers and that such requests for service shall receive priority over all other service requests.
  - (15) Each license holder shall ensure that chauffeurs operating an accessible vehicle are certified in the safe and proper methods of securing, transporting, and dealing with passengers utilizing a wheelchair. Proof of certification shall be provided to the CSD.
  - (16) It shall be unlawful for any person to use, drive or operate an accessible vehicle without certification in the safe and proper methods of securing, transporting, and dealing with passengers utilizing a wheelchair.
- (k) Responsibility for violations of chapter. The holder of a for-hire license shall be held responsible for any applicable violation of this article arising from the operation of the for-hire vehicle authorized under the holder's for-hire license and shall be subject to the penalties provided in this chapter for any such violation. In addition, his, her or its license shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a passenger service company or for-hire chauffeur for the same or related violations shall not relieve the for-hire license holder of responsibility under this article.
- (l) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by December 31, 2006.
  - (1) The director, by administrative decision, may require that at least fifty percent of for-hire vehicles authorized to operate under a for-hire license initially issued pursuant to sections 31-82(o)(1) and 31-82(p) after the effective date of this ordinance must be accessible vehicles. All for-hire taxicab licenses issued pursuant to this subsection (1) shall be selected first in each lottery.
  - (2) Licenses to be operated using accessible vehicles pursuant to 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) shall be issued upon payment of an amount that is \$10,000 less than the amounts stated in sections 31-82(m), 31-93(c)(2), or 31-93(d), respectively, or \$5,000, whichever amount is greater, payable in full within one hundred and twenty (120) days after each lottery.
  - (3) It shall be a condition of all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to sections 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) that the vehicle operated under the authority of such license shall always be an accessible vehicle.
  - (4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the director to operate using accessible vehicles pursuant to sections 31-82(l)(1) or 31-82(o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than five (5) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab.
  - (m) All new taxicab for-hire licenses issued after the effective date of this ordinance shall be issued pursuant to a medallion system. Such licenses shall be issued upon payment of twenty-five thousand dollars (\$25,000), payable in full within one hundred and twenty (120) days after lottery and only to such drivers who have had a Miami-Dade County taxicab chauffeur's registration for the previous five (5) years in good standing and satisfy the criteria stated in section 31-82(c). A sixty-day extension may be granted by the CSD Director provided good cause be shown.

(n) Existing taxicab for-hire license holders on the effective date of this ordinance shall receive one (1) medallion for each for-hire license upon payment of a one-time administrative fee established by administrative order.

(o) For-hire taxicab license lottery

- (1) Beginning January 1, 2004, twenty-five (25) for-hire taxicab licenses shall be issued on an annual basis until December 31, 2006, utilizing the criteria and procedure provided in Section 31-82. In 2004 and 2005, fourteen (14) of the twenty-five (25) for-hire taxicab licenses shall be operated using accessible vehicles. In 2006, twelve (12) of the twenty-five (25) for-hire taxicab licenses shall be operated using accessible vehicles. Two (2) of the twenty-five (25) for-hire licenses to be issued annually shall be issued through a separate lottery to veterans of the United States Armed Forces who have been honorably discharged and satisfy all of the requirements of this chapter, two (2) of the for-hire licenses shall be issued through a separate lottery to drivers who have been a Miami-Dade County chauffeur for twenty (20) or more years and satisfy all of the requirements of this chapter and five (5) of the for-hire licenses shall be issued through a separate lottery to drivers who have been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfy all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty (20) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who are veterans of the United States Armed Forces who have been honorably discharged is more than the number of qualified applicants allowed to participate in such lot-

tery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for veterans of the United States Armed Forces or drivers who have been a Miami-Dade County chauffeur for twenty (20) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who satisfy the requirements of Section 31-82(q). When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for twenty (20) years.

- (2) In addition to the for-hire licenses authorized by the preceding subsection, an additional seven (7) South Miami-Dade taxicab service area for-hire taxicab licenses shall be issued in 2004, 2005 and 2006, pursuant to Section 31-93(d) utilizing the criteria and procedure provided in Section 31-82. One of the for hire taxicab licenses issued pursuant to this subsection (o)(2) shall be operated using an accessible vehicle. Three (3) of the seven (7) for hire licenses issued pursuant to this subsection shall be issued as follows: one (1) of the seven (7) for-hire licenses to be issued shall be issued through a separate lottery to a veteran of the United States Armed Forces who has been honorably discharged



and satisfies all the requirements of this chapter; one (1) of the for-hire licenses shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty (20) or more years and satisfies all the requirements of this chapter; and one (1) of the for-hire licenses shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfies all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty (20) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery of chauffeurs who are veterans of the United States Armed Forces who have been honorably discharged is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for veterans of the United States Armed Forces or drivers who have been a Miami-Dade County chauffeur for twenty (20) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who satisfy the requirements of Sec-

tion 31-82(q). When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for twenty (20) years.

- (3) In addition to the for-hire licenses authorized by the preceding subsections, an additional six (6) for-hire taxicab licenses shall be issued in 2004, 2005 and 2006, pursuant to Section 31-93(c), utilizing the criteria and procedure provided in Section 31-82. Two (2) of the for-hire taxicab licenses issued pursuant to this subsection (o)(3) shall be operated using an accessible vehicle. One (1) of the six (6) for-hire licenses issued pursuant to this subsection shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfies all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who meet the requirements of Section 31-82(q).
- (p) Rules governing the distribution of new for-hire licenses.
- (1) By March 1, 2006, the County Manager shall cause a study to be performed and completed to analyze the relative use of

taxicab service by visitors and residents, the utilization of wheelchair accessible taxicabs, the geographic distribution of taxicabs in the County, the impact of additional for-hire taxicab licenses on existing taxicab chauffeurs, recommendations on the formula to be used to establish the number of for-hire taxicabs, and other matters related to taxicab use and need. The scope of service will be developed with industry input.

- (2) *Public hearing.* The commission shall hold a public hearing to consider the County Manager's report and the results of the study required by Section 31-82(p)(1) to determine the need for additional for-hire taxicab licenses no later than June 2006. The commission, by ordinance shall establish a formula for determining the number of for-hire taxicab licenses authorized after January 1, 2007. In reaching its decision, the commission shall consider the results of the study required by Section 31-82(p)(1), the recommendation of the County Manager and all evidence produced at the public hearing.

(q) All additional for-hire licenses to operate a taxicab which are authorized pursuant to this section shall be issued by the CSD in accordance with the following procedures:

- (1) *Determination of eligibility to participate in distribution of new taxicab for-hire licenses.* Participation in the lottery or random selection process shall be limited to those chauffeurs: who for the five-year period immediately prior to application for participation in such lottery have held a valid Miami-Dade County taxicab chauffeur's registration; who are not holders of a Miami-Dade County for-hire taxicab license; who have not previously held a for-hire taxicab license; who do not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire taxicab license; and who meet the requirements of this section and Section 31-82(c). Each chauffeur qualified to participate shall be allowed only one (1) entry in the random selection or lottery

process. Provided, however, in no event shall such selection or process result in any chauffeur, corporation, partnership or any other entity in which such chauffeur has any interest being authorized to operate more than one (1) for-hire license.

- (2) *Random selection or lottery.* Where required by this chapter, a random selection lottery process shall be conducted as determined by the director. The random selection or lottery process shall be conducted by an individual who shall not have responsibility for the enforcement of this chapter. All fees and applications must be received by the CSD no later than fifty (50) calendar days after the announcement of a lottery.
- (3) *Separate lottery conducted by CSD.* If, due to revocation, cancellation or lapse, the total number of valid for-hire taxicab licenses is less than the total number authorized, the CSD shall have authority to issue sufficient new licenses to bring the total issued up to the total authorized utilizing the procedures of this section. In such event, the applicable deadlines for submission of applications and for conduct of the lottery may be administratively determined by the director.
- (4) *Conditions for participating in random selection or lottery process.* In addition to the requirements stated above, all applicants shall pay a non-refundable fee to participate in each random selection or lottery process. Every application to participate in the random selection or lottery process shall be filed in accordance with Section 31-82(c) of this chapter, including payment of the investigative and processing fee provided therein; list the chauffeur's registration number and include a sworn statement that (1) the applicant is the holder of a valid Miami-Dade County taxicab chauffeur's registration and (2) that during the five (5) years prior to application, the applicant has not had his or her Miami-Dade County taxicab chauffeur's registration suspended or revoked or has not been found guilty of more than five (5)

violations of this chapter. The CSD shall disqualify applicants who do not meet the requirements of this section from participation in the lottery. The director's decision shall be final.

- (5) *Condition of all new taxicab licenses.* It shall be a condition of all for-hire taxicab licenses distributed through the random selection process which are issued after the effective date of this ordinance that the taxicab operated under authority of such license shall be driven by the license holder one (1) out of two (2) shifts per day an average of five (5) days per week. Licenses issued pursuant to this section shall be issued in the chauffeur's individual name only. No new for-hire taxicab license shall be assigned, sold or transferred during the five-year period following the issuance of said license. Notwithstanding the foregoing, a new taxicab for-hire license may be transferred during the five-year period following issuance where the license is transferred involuntarily pursuant to Section 31-82(r) or due to the death or incompetency of the for-hire license holder, including an irreversible medical condition rendering the chauffeur unable to perform the duties of a chauffeur, such as loss of sight, paralysis, or a terminal illness. Where a new for-hire license is revoked during the five-year period immediately after the issuance of the license, the proceeds from the sale of such license, after deducting the expenses of the sale, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance, if any, shall be paid to Miami-Dade County.

(r) *Transfer of a taxicab license.* Transfer of a taxicab license may be accomplished by purchase, gift, bequest or operation of law, and is subject to the written approval of the CSD.

- (1) *County approval required.* No for-hire taxicab license shall be assigned, sold (either outright or under a conditional sales contract) or transferred without prior approval of the director. No approval hereunder shall be granted unless it has been

demonstrated that the assignee, purchaser (conditional or outright), or transferee meets all of the requirements of Section 31-82, including but not limited to payment of the required investigative and processing fee, and has submitted a written contract between the license holder and assignee, purchaser or transferee disclosing the terms and conditions of the proposed assignment, sale or transfer, including the amount of compensation which has been paid or is payable to the assignor, seller or transferor and any other consideration given or to be given to the assignor, seller or transferor in connection with the assignment, sale or transfer of the for-hire license. Any change in the ownership structure of a corporation or partnership where at least five (5) percent of the shares of said corporation or at least five (5) percent of the partnership interest is assigned sold or transferred to another shall be deemed a sale for purposes of this section. Failure to comply with this subsection will result in revocation of the for-hire license. Appeals of the director's decision shall be in accordance with the provisions of this chapter.

- (2) *Unsatisfied judgments and outstanding tort liabilities.* An assignment, sale or transfer shall not be permitted if an unsatisfied judgment is on file with Miami-Dade County against the licensed assignor, seller or transferor and the CSD has been notified of said judgment. If an appeal is pending from an unsatisfied judgment, the CSD, in its discretion, may permit such assignment, sale or transfer provided the assignor, seller or transferor files a bond in sufficient amount to satisfy the judgment. An assignment, sale or transfer also may be permitted without filing such bond provided that all judgment creditors of unsatisfied judgments file written permission with the CSD. An assignment, sale or transfer shall not be permitted unless the assignee, purchaser or transferee files a bond with the Clerk of the Circuit and County Court to cover all outstanding tort liabilities of the assignor,

seller or transferor in excess of the amount covered by the required commercial auto liability insurance policy.

- (3) *Assignment, sale (conditional or outright) and transfer to chauffeurs.* Unless otherwise provided, from the effective date of this ordinance for-hire taxicab licenses may only be assigned, sold (conditional or outright) or transferred to a Miami-Dade County registered taxicab chauffeur who: (i) does not hold a Miami-Dade County for-hire taxicab license; (ii) does not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire taxicab license; and (iii) meets the requirements provided in this subsection and Section 31-82. Provided, however, in no event shall an assignment, sale (conditional or outright) or transfer be approved if a chauffeur has any interest (legal, equitable or beneficial) in any other for-hire license. It shall be a condition of any license that the assignee, purchaser or transferee shall actually drive the taxicab authorized thereby one (1) out of two (2) shifts per day on an average of five (5) days per week and that the transferee shall not enter into any agreement to operate a taxicab under authority of such license with any other person who has any interest or ownership in another for-hire license.
- (4) *Purchase by driver-owner of second for-hire taxicab license.* Notwithstanding any provision to the contrary, a for-hire license holder who (i) is a registered chauffeur, (ii) holds only one (1) for-hire license in his or her name, (iii) does not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire license, and (iv) actually drives the taxicab authorized thereby one (1) out of two (2) shifts per day on an average of five (5) days per week may purchase a second for-hire license provided that said for-hire license holder continues to drive one (1) of the two (2) taxicabs authorized thereby one (1) out of two (2) shifts per day on an average of five

(5) days per week. Failure to comply with the requirements of this subsection shall subject said for-hire taxicab license to suspension or revocation.

- (5) *Gift of for-hire taxicab license.* Notwithstanding any provision to the contrary, a qualified taxicab for-hire license holder may transfer a for-hire license as a gift (i.e., without consideration) to an immediate family member or another natural person who: (i) does not hold a Miami-Dade County for-hire taxicab license; (ii) does not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire taxicab license; and (iii) meets the requirements of Section 31-82 with the exception of the requirement that the transferee be a Miami-Dade County registered chauffeur. As used herein, a "qualified taxicab for-hire license holder" shall mean: (i) a natural person who holds a taxicab for-hire license in his or her name; (ii) a natural person who, as of the effective date of this ordinance, owns more than fifty (50) percent of the shares of a corporation which holds a taxicab for-hire license in its name; or (iii) a natural person who, as of the effective date of this ordinance, holds more than a fifty (50) percent interest in a partnership which holds a taxicab for-hire license in its name. A qualified taxicab for-hire license holder who holds more than one (1) taxicab for-hire license may transfer as a gift no more than one (1) for-hire license to each member of his or her immediate family and may only transfer a for-hire license as a gift to another natural person who is not an immediate family member on one (1) occasion during his or her lifetime. As used herein, "immediate family member" shall mean parents, spouse, children, grandchildren or court-appointed legal guardian of an immediate family member.
- (6) *Leasing the for-hire taxi license to other for-hire taxi chauffeurs.* Leasing of the for-hire license to a Miami-Dade County

registered chauffeur shall be permitted if the for-hire license holder complies with the provisions of this chapter.

(7) *Conditions of voluntary transfers.*

- (i) Any for-hire taxicab for-hire license may only be transferred, sold or assigned in accordance with this section.
- (ii) For purposes of the sale of a for-hire license, the following requirements must be satisfied: (i) all outstanding fines and penalties against the for-hire taxicab license and chauffeur's registration must be paid or satisfied and all pending administrative matters must be resolved; and (ii) when seller owns two (2) or more for-hire taxicab licenses, all outstanding items/proceedings as stated in (i) above shall be paid, satisfied or resolved.

(8) *Conditions of involuntary transfers.*

- (i) An owner's interest in a for-hire taxicab license may be revoked pursuant to section 31-91. Upon a final order of revocation where all appellate proceedings, if any, have been concluded, the Clerk of the Circuit Court of Miami-Dade County shall sell the license at public auction to the highest and best bidder, who shall pay the amount bid by a cashier's check within seven (7) business days from the time of sale. The proceeds from the sale of such licenses, after deducting the expenses of the sale and all costs incurred by Miami-Dade County including, but not limited to, attorney's fees, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance, if any, shall be paid to the person whose interest in the for-hire license has been revoked, or to the County when the person cannot be located.
- (ii) An owner's interest in a for-hire taxicab license may be transferred invol-

untarily by a court of law and disposed of by public or private sale in the same manner as personal property. However, upon such involuntary transfer, the license holder's license shall immediately be canceled and a new license issued to the purchaser or his, her or its vendee, provided that such purchaser or vendee satisfies the bond requirements of this section; except that if the involuntary transfer is by reason of a tort judgment against an involuntary transferor no bond need be provided with respect to the same judgment.

- (iii) Any person holding a bona fide lien or security interest in a for-hire taxicab license in Miami-Dade County shall have the right to enforcement of a lien against that license within thirty (30) days after any final order of revocation where all appellate proceedings, if any, have been concluded and upon actual notice to any lienholder whose name is on file with CSD.
- (iv) In order to perfect a lien or security interest in a for-hire taxicab license, the party which holds the pledge, lien or security interest, within thirty (30) days of the date of creation of the pledge, lien or security interest, shall record the same with the CSD, the Department of State UCC Bureau and the Clerk of the Circuit Court of Miami-Dade County and must (i) describe the collateral as a "Miami-Dade County for-hire taxicab license" and (ii) include the for-hire taxicab license number.
- (v) Any foreclosure of a perfected lien in a for-hire taxicab license shall be in the Circuit Court of Miami-Dade County and the CSD shall be joined as an indispensable party. All holders of liens or security interests senior to the pledge, lien or security

interest being foreclosed shall be joined and deemed necessary parties to the foreclosure.

- (vi) Upon a judgment of foreclosure, the clerk of the Circuit Court of Miami-Dade County shall sell the license at public auction, pursuant to chapter 45, Florida Statutes, to the highest and best bidder, who shall pay the amount bid by a cashier's check within seven (7) days from the time of sale. The proceeds from the sale of such license, after deducting the expenses of the sale, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance shall be paid as directed in the judgment of foreclosure.
  - (vii) The institution of foreclosure procedures or the judicial transfer of a license shall not prevent the CSD from suspending or imposing a civil penalty or taking other administrative action against the licensee of record at the time of the alleged violation. However, should the CSD obtain a revocation of the license against the previous licensee of record, the revocation shall be effective only to impair the qualifications of the individual licensee, partners, officers, directors, or stockholders of that licensee.
  - (viii) Any transferee license holder who does not satisfy the for-hire taxicab license requirements of section 31-82 for a transfer shall have ninety (90) days from the date of judgment or sale in which to apply for transfer of such license to a Miami-Dade County registered taxicab chauffeur who satisfies the requirements of this section. The transferee may continue the operation of the taxicab during the pendency of the application only with prior approval of the CSD.
- (9) Distribution from estate to a beneficiary.
- (i) When a for-hire taxicab license or stock in a corporation owning a for-hire taxicab license is distributed from an estate to a beneficiary by a court of law, the transferee shall submit to the CSD the court order directing the County to transfer the for-hire license to the beneficiary. The court order shall condition the transfer upon the transferee complying with this article.
  - (ii) An executor or administrator may continue the operation of a taxicab only with prior approval of the CSD. The executor or administrator shall apply for such approval within sixty (60) days of his or her appointment, subject, however, to any further extension of time in the event of any possible will contest or other delay not caused by the executor or the administrator which will be granted in the discretion of the CSD for good cause shown.
  - (iii) Any beneficiary who does not satisfy the for-hire taxicab license requirements of section 31-82 for a voluntary transfer shall have ninety (90) days in which to apply for CSD approval of the transfer of such license to a Miami-Dade County registered taxicab chauffeur who satisfies the requirements of section 31-82. An extension may be granted by the CSD Director provided good cause be shown.
- (10) Conditional sales agreements.
- (i) Where an interest in a for-hire taxicab license is acquired through a conditional sales agreement the following shall apply: (i) the parties shall provide the CSD with a disclosure statement indicating the terms of the agreement within thirty (30) days of the execution of the agreement;
  - (ii) The seller shall be liable for any fines or penalties imposed against the taxicab license for violations oc-

curing during the term of the agreement, unless they are paid by the purchaser; and

- (iii) The seller shall notify the CSD in writing of any repossession by the seller of the taxicab within seventy-two (72) hours exclusive of weekends and holidays.

(s) As part of the annual renewal of a for-hire license, each operator shall certify on a form provided by the CSD the number of months during the preceding year that he operated and provided the service authorized by the for-hire license. Failure to so certify within the thirty-day grace period for renewal or failure to operate for at least five (5) months during the year period shall result in automatic revocation of the for-hire license. The foregoing notwithstanding, for for-hire licenses expiring January 31, 1991, or later, failure to operate for at least nine (9) months during the preceding year shall result in automatic revocation of such license. Operations within the thirty-day grace period provided in subsection (i) shall not be counted for purposes of determining compliance with the requirements of the two (2) preceding sentences.

(t) Reserved.

(u) It shall be unlawful to operate any vehicle as a for-hire motor vehicle without first having obtained a for-hire license specifically relating to said vehicle. The for-hire license shall, at all times, be displayed within the vehicle and shall be available for inspection by any police officer or authorized agent of the CSD.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 82-102, § 1, 10-19-82; Ord. No. 85-40, § 1, 6-6-85; Ord. No. 85-106, § 1, 12-17-85; Ord. No. 86-34, § 1, 5-6-86; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 88-34, § 1, 5-3-88; Ord. No. 88-70, § 1, 7-19-88; Ord. No. 88-98, § 1, 10-4-88; Ord. No. 88-115, § 2, 12-6-88; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 89-44, § 1, 5-23-89; Ord. No. 89-107, § 1, 11-7-89; Ord. No. 89-117, § 1, 11-21-89; Ord. No. 90-40, § 1, 5-1-90; Ord. No. 90-113, § 1, 10-16-90; Ord. No. 90-119, § 1, 11-6-90; Ord. No. 90-126, § 2, 11-27-90; Ord. No. 90-127, § 1, 11-27-90; Ord. No. 91-23, § 1, 2-19-91; Ord. No. 92-23, § 1, 4-7-92; Ord. No. 94-191, § 2, 10-7-94; Ord. No. 95-221, § 2, 12-5-95;

Ord. No. 98-105, § 1, 7-9-98; Ord. No. 00-68, § 1, 5-23-00; Ord. No. 00-139, § 1, 11-14-00; Ord. No. 01-67, § 1, 4-10-01; Ord. No. 01-178, § 1, 11-6-01; Ord. No. 03-45, § 1, 3-11-03; Ord. No. 04-103, § 1, 5-11-04)

### **Sec. 31-83. Chauffeur's registration.**

It shall be unlawful for any person to drive a taxicab or limousine over any street in Miami-Dade County without first having obtained a chauffeur's registration from the CSD pursuant to Chapter 31, Article V of this Code. Effective January 1, 2000, every initial taxicab chauffeur shall be required to complete an apprentice program as prescribed by the CSD.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 84-36, § 1, 5-15-84; Ord. No. 85-106, § 2, 12-17-85; Ord. No. 86-34, § 2, 5-6-86; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 88-34, § 2, 5-3-88; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 89-3, § 1, 1-17-89; Ord. No. 89-107, § 1, 11-7-89; Ord. No. 90-48, § 1, 5-17-90; Ord. No. 92-6, § 1, 2-4-92; Ord. No. 94-15, § 3, 1-20-94; Ord. No. 98-105, § 1, 7-9-98)

### **Sec. 31-84. Duties of Consumer Services Department.**

(a) In addition to the duties and responsibilities specified in this article, the CSD shall be charged with the following duties and responsibilities:

- (1) Process, investigate and prepare all reports required by this article.
- (2) Investigate and prepare reports on alleged violations of this article.
- (3) Enforce the provisions of this article.
- (4) Attempt to resolve complaints received from any source concerning the industry.
- (5) Issue, deny, suspend and revoke all for-hire licenses, passenger service company registrations and chauffeurs' registrations pursuant to the provisions of this chapter, and maintain appropriate files regarding same.
- (6) Prepare and conduct or cause to be conducted a training, orientation and appren-

tice program for chauffeurs and a training and orientation for for-hire license holders and passenger service companies.

- (7) Develop and implement, in cooperation with the industry, service expansion and improvements.
- (8) Provide technical assistance to the industry.
- (9) Create and render technical assistance to a for-hire vehicle advisory group comprised of representatives from consumers, the industry, transportation-related interests, municipalities and public interest organizations.
- (10) Develop a standardized reporting technique for operators after consultation with a for-hire vehicle advisory group.
- (11) Assign an exclusive number to be displayed on each for-hire vehicle operating in Miami-Dade County.
- (12) Provide a system to handle complaints of municipal officials relating to for-hire service within such municipalities and expedite the solution of same.
- (13) Perform any other functions assigned by the County Manager.
- (14) Coordinate cooperative enforcement activities with municipalities, including implementing procedures for the disposition of fine revenues collected.
- (15) Prepare and implement, in coordination and after consultation with the industry, changes, amendments or modifications to administrative orders establishing fees pursuant to this article and provide the industry with at least ten (10) days notice prior to consideration of such changes, amendments or modifications by the Board of County Commissioners.
- (16) Upon court order have closed and sealed unlicensed service provider establishments in accordance with this article.
- (17) Develop and implement a Taxicab Driver Incentive Program. The Driver Incentive Program shall be subject to approval of

the Board of County Commissioners by resolution. The incentive program shall be developed to reward, among other things:

- (a) Driver courtesy and professionalism;
- (b) Customer service;
- (c) Knowledge of the community and historic landmarks;
- (d) Cleanliness of the vehicle; and
- (e) Professional attire.

(b) The Director may propose and the County Manager may promulgate further rules and regulations to carry out the provisions of this article, which rules and regulations, when approved by the Board of County Commissioners, shall have the force and effect of the law.

(c) Except for the fees established by the County Manager and approved by the Commission for for-hire vehicles providing transportation of persons and their baggage from Miami International Airport and from the Port of Miami, whenever in this article a fee is charged or is required to be paid, the amount of such fee shall be established by administrative order of the county manager and approved by the commission. Such fees shall be deposited in a separate Miami-Dade County fund and shall be used exclusively to accomplish the regulatory purposes of this article. The amount



of each fee established hereunder shall be reasonably related to the cost of the services and regulation provided therefor.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 82-114, § 1, 12-21-82; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 88-126, § 1, 12-20-88; Ord. No. 98-105, § 1, 7-9-98)

### **Sec. 31-85. Rules for operation.**

(a) Each operator shall adopt and use, after approval by the CSD a uniform and decorative color scheme for all taxicabs licensed pursuant to this article which shall be yellow. The CSD shall refuse to approve any proposed color scheme which is not school bus yellow. License holders shall comply with the uniform color scheme at the time a new vehicle is placed into service. Failure to comply with this section shall be grounds for suspension of all for-hire licenses issued to the operator.

(b) Taxicabs using any designated public stand shall be faced in accordance with applicable traffic regulations. The chauffeur of the taxicab at the head of such file shall accept as a passenger any orderly person who agrees to pay the proper fare; provided, however, that any person shall have the right to select any taxicab regardless of its position in the file. Upon the departure of any taxicab from said file, all vehicles entitled to use the stand shall move forward. No number of taxicabs greater than the maximum allowed shall attempt to use any public vehicle stand. Each waiting taxicab must take a position to the rear of taxicabs already at the stand. All taxicabs parked at any designated public vehicle stand shall be considered to be waiting employment.

(c) Reserved.

(d) Every operator shall fully comply with all ordinances, rules and regulations of the County and all statutes of the State of Florida applicable to the operation of for-hire motor vehicles.

(e) Unless otherwise provided in this article, every operator shall collect and file on a daily basis all manifests and trip sheets for each for-hire motor vehicle. The operator shall furnish the forms for each manifest to the chauffeur, which forms shall be approved by the County. Operators

shall not destroy, mutilate, alter or otherwise deface any daily manifests without CSD approval. All manifests shall be available for inspection and copying by the CSD or any police agency during regular business hours and shall be retained for one (1) year.

(f) Reserved.

(g) Each operator shall maintain accurate records of all revenues, all associated expenses, capital expenditures, and other financial and operating information as may be required by the CSD. The CSD shall be granted access to these records for the purpose of inspection and copying same upon five (5) days' prior notice. All such records and information shall be confidential except that they will become public records for the purpose of rate hearings, revocation or suspension hearings, or, if required by the Board of County Commissioners, for the purpose of approving or disapproving applications for new for-hire licenses or transfers of for-hire licenses. Each operator shall annually furnish financial and operating information to the CSD on forms and in the manner prescribed by the CSD.

(h) Reserved.

(i) Any for-hire motor vehicle not waiting employment or actually transporting paying passengers shall prominently display an out-of-service or off-duty sign.

(j) (1) No passenger service company, for-hire license holder, chauffeur or any other person shall directly or indirectly provide compensation in any form to any individual or entity or engage in any activity in connection with the payment of compensation for the right to pick up passengers or provide taxicab service from any hotel, motel, apartment, restaurant, nightclub, bar, or any other business establishment, or public facility. The license or registration of any passenger service company, for-hire license holder or chauffeur violating this provision shall be subject to suspension for up to six (6) months in accordance with the provisions of

Section 31-91 or other appropriate enforcement action as provided in this article.

- (2) It shall be a violation of this article for any individual or entity to accept compensation in any form, either directly or indirectly, from any passenger service company, for-hire license holder, chauffeur or any other person for the right to pick up passengers or provide taxicab service from any hotel, motel, apartment, restaurant, nightclub, bar, or any other business establishment or public facility.

(k) Reserved.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 81-29, § 2, 11-17-81; Ord. No. 81-130, § 1, 12-1-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 98-105, § 1, 7-9-98; Ord. No. 00-139, § 1, 11-14-00)

#### **Sec. 31-86. Taximeters.**

(a) Each taxicab shall be equipped with a taximeter meeting the requirements described in this article. All customer receipts, whether handwritten or generated by a taximeter, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number and the telephone number for filing complaints with the CSD. It shall be a violation of this article for any operator or chauffeur to operate any taxicab unless and until its taximeter has been inspected and certified as operable and accurate by CSD and has affixed thereto a current valid taximeter certification label, sticker or decal.

(b) Each taxicab shall have its taximeter inspected before being placed in service and at least once every twelve (12) months thereafter. The CSD may require additional testing and inspection at any time. All taximeters passing inspection shall be sealed and a sticker placed thereon. The result of each taximeter test or inspection shall be recorded on forms provided by the CSD. A copy of the report will be provided to the operator. Taximeters with expired stickers or missing or broken seals shall be considered as failing inspection. The for-hire license of any taxicab whose

taximeter fails inspection shall be automatically suspended without hearing until the taximeter has been repaired or replaced, and passed inspection.

(c) The face of every taximeter shall at all times be visible from the taxicab's passenger compartment and shall be illuminated so passengers may ascertain the amount of fare registered by said taximeter.

(d) No taxicab shall be operated unless the case of the taximeter installed therein has been sealed.

(e) The signal affixed to any taximeter shall under no circumstances indicate that the taxicab is vacant when in fact such taxicab is engaged by a passenger.

(f) The amount of fare collected from any passenger shall be that amount shown by the taximeter, unless the passenger is being transported at one (1) of the approved special service rates.

(g) It shall be a violation of this article for any person to tamper with, mutilate or break any taximeter or the seal thereon. Taximeters may be transferred from one (1) taxicab to another; provided, however, that a taxicab with a transferred taximeter shall not be used to transport passengers unless and until said taximeter has been inspected, tested and sealed by the CSD. (Ord. No. 81-85, § 3, 7-21-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 98-105, § 1, 7-9-98)

#### **Sec. 31-87. Rate regulation.**

(A) The provisions of this section shall be the exclusive method for the establishment of for-hire motor vehicle rates throughout Miami-Dade County. Notwithstanding the provisions of any municipal ordinance, resolution or agreement to the contrary, from and after the effective date of this article, no municipality shall authorize, establish, change, alter, amend, or otherwise regulate rates charged by the industry. All municipal ordinances or resolutions to the contrary are hereby superseded.

(B) It shall be unlawful for an operator or chauffeur to charge, demand, request or accept any fare other than the rates established pursu-

ant to this article. Rates established by this article shall be applicable through Miami-Dade County, both in the incorporated and unincorporated areas, without regard to any municipal boundaries.

(C) Except as otherwise provided herein, the Board of County Commissioners of Miami-Dade County, Florida, shall establish all rates for taxicabs and for-hire vehicles operating in Miami-Dade County. From and after the effective date of this article, rates shall be established, altered, amended, revised, increased or decreased in accordance with the following procedures:

- (1) The CSD, upon request of the Commission or the County Manager, shall investigate and prepare a report concerning the existing rates. In the case of taxicab rates, said investigation shall specify the relative changes in the consumer price index over the preceding two-year period and shall quantify what rates would be if the currently approved uniform taxicab meter rates were adjusted for such change. Such investigation shall also consider any additional matters, or review of special service rates when requested by the Commission or Manager. For ratemaking purposes, the CSD will not consider any costs incurred in the acquisition of a license and political contributions. Costs which will be considered in rate studies will include vehicle operating, maintenance and repair expenses, salaries of drivers, dispatchers and supervisors, insurance costs, taxes and license fees, and administrative and general expenses as prescribed on CSD financial and operating report forms.
- (2) The CSD's report shall be forwarded to the County Manager who shall prepare a recommendation to the Board of County Commissioners.
- (3) A public hearing concerning rates shall be scheduled. At such hearing, all interested parties shall have an opportunity to be heard. The Board of County Commissioners shall consider the CSD's report, the County Manager's recommendation, and all evidence produced at the hearing and, by resolution, shall determine and set the appropriate rates as may be in the public interest. Appeals of the Board of County Commissioners' decision shall be in accordance with the Florida Rules of Appellate Procedure for review of administrative action.
- (4) As part of the rate-making procedure, the Board of County Commissioners may authorize special service rates such as shared rides, group rides, contract services, pre-arranged service, services to an identified segment of the population, flat rates for all licensed vehicles from one (1) point or area to another, or package delivery.
- (5) Operators who desire to provide service at a rate other than that established under the preceding provisions of this section may request approval of such special rates by filing an application with the CSD. Within forty-five (45) days after receipt of the request, the CSD shall conduct an administrative hearing on the proposed rate, after written notice to the public and all operators, investigate the proposed rate and forward its analysis and recommendations to the County Manager. The CSD shall, among other things, consider:
  - (a) The effect of the proposed rate on increased public use of for-hire motor vehicles.
  - (b) The ability of the operator to provide the proposed service.
  - (c) The operator's ability to manage the proposed rates.
  - (d) All information contained in the rate request application.
  - (e) Improved transportation in Miami-Dade County.
  - (f) The economic impact on the industry and the general public.
- (6) The County Manager shall be authorized to approve a per trip taxicab rate surcharge in addition to the existing rates then in effect. Such surcharge shall be in effect for a period up to six months unless

extended by resolution of the Commission. Such surcharge, which is to be a fixed amount, may be imposed upon the occurrence of an unforeseen change in petroleum market conditions which, utilizing the surcharge formula provided for herein ("surcharge formula"), causes an increase in the price of regular unleaded gasoline of 30 cents or more during any ninety (90) day period. The surcharge formula is as follows: divide the fuel increase per gallon of regular, unleaded gasoline by the average number of taxicab trips per gallon. The gasoline surcharge shall be rounded up to the nearest penny. Notice of a surcharge approved pursuant to this section must be prominently displayed within the taxicab, as required by regulations promulgated by CSD.

The County Manager is authorized to approve proposed rates that result in lower fares being charged by operators. All other proposed rates must be reviewed and approved by the Commission.

Any approved special rates must be filed with the CSD and be posted in each for-hire motor vehicle of the operator for which said rate applies, and copies provided to anyone requesting same. All approved special rates may not be modified or altered without prior written approval of the County Manager, in the case of reductions, or the Commission, in the case of increases. An operator may eliminate special rate(s) by thirty (30) days' advance notice to the CSD and posting thirty (30) days' written notice of the changes in all vehicles. (Ord. No. 81-85, § 3, 7-21-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 89-83, § 1, 9-12-89; Ord. No. 90-141, § 1, 12-6-90; Ord. No. 00-88, § 1, 7-6-00; Ord. No. 00-139, § 1, 11-14-00)

Annotation—CAO 76-2.

### **Sec. 31-88. Insurance requirements.**

(a) No for-hire motor vehicle shall be permitted to operate without the license holder or entity providing passenger services having first obtained and filed with the CSD a certificate of insurance on forms provided by the CSD for each for-hire motor vehicle showing the federal vehicle identification number, a vehicle description and

the for-hire license number, and shall list the for-hire license holder, each chauffeur the entity providing passenger services allows to operate the vehicle, the passenger service company, where applicable, and the owner of the vehicle as insureds under an automobile liability insurance policy with limits of liability no less than fifty thousand dollars (\$50,000) per person, and one hundred thousand dollars (\$100,000) per occurrence for bodily injury, and twenty thousand dollars (\$20,000) per occurrence for property damage. Additionally, the certificate of insurance shall specify coverage for complete 24-hour vehicle operations for all drivers who have a Miami-Dade County chauffeur's registration, regardless of where operated or whether engaged in for-hire operations, and shall state the limits of automobile liability and property damage coverage. Failure to provide current certificates of insurance or to maintain appropriate insurance coverage for each for-hire vehicle shall be grounds for revocation of that vehicle's for-hire license.

(b) Scope of insurance. The insurance required in this section shall be issued by an insurer that is a member of the Florida Insurance Guaranty Association. Insurance coverage shall be for a policy term of at least six (6) months. Nothing in the insurance policy or declaration shall permit binders, deductibles, self-insurance or any provision requiring the insured to reimburse the insurance company for claims.

(c) Each automobile liability insurance policy shall be endorsed to provide for thirty (30) days' notice by registered mail to the CSD of any material change, cancellation, or expiration. No policy will be accepted for a shorter period than six (6) months.

(d) Unless an operator furnishes the CSD with satisfactory evidence of the required insurance coverage prior to the expiration of the thirty (30) days' notice specified in subsection (c) of this section, or upon a third notice of cancellation within twelve (12) months, the for-hire license shall be suspended forthwith by the Director and surrendered to the CSD pending a hearing to determine whether said for-hire license should be revoked. This automatic suspension requirement will not pertain to a for-hire motor vehicle when

its insurer withdraws from Florida and cancels its policies, or when the policy is canceled through no fault of the operator.

(e) From and after one hundred twenty (120) days after the effective date of this section [June 2, 1989], all operators shall comply with the amended requirements of this section.

(f) Examination of Insurance Policy. The CSD reserves the right to require submission of a certified copy of or to examine the original policies of insurance including but not limited to endorsements, amendments, exclusions, riders, any additional contracts between the insured and the insurer and applications to confirm the existence of the required insured coverage.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 88-34, § 3, 5-3-88; Ord. No. 89-44, § 1, 5-23-89; Ord. No. 96-114, § 1, 7-16-96; Ord. No. 98-105, § 1, 7-9-98)

Annotation—CAO 85-9.

#### Sec. 31-89. Vehicle standards.

(a) In addition to the applicable Federal Motor Vehicle Safety requirements in 49 Code of Federal Regulations, part 571 and Florida Statutes, the following vehicle standards apply to all for-hire motor vehicles operated under the provisions of this article. It is the operator's responsibility to insure that each vehicle meets the following standards and minimum inspection requirements:

- (1) Brakes within allowable parameters as provided by test equipment readings for stopping effectiveness. There shall be no leaks in lines, hoses, fittings, or parts; hoses shall not be cracked or frayed; there shall be no audible air leaks in air brake system.
- (2) License, permit or inspection decals, as applicable, shall be correctly displayed and be clearly visible from the outside of the vehicle;
  - (a) Chauffeur registration, operating permit number, rate card, passenger advisory and any additional information as may be required shall be

displayed within the vehicle in accordance with the instructions of the CSD.

- (b) Vehicle signage and markings shall be as required by this article.
- (3) Inside rear-view mirror and a mirror on each side of vehicle.
- (4) A functioning speedometer and odometer indicating speed in miles per hour and a functioning odometer indicating distance in miles.
- (5) Functioning windows, door handles and latches. The primary and secondary hood/trunk/rear access door latches shall be fully operable.
- (6) A functioning interior light within the passenger compartment. If the light becomes defective, the operator must correct the defect on the very next day or remove the vehicle from service at that time.
- (7) An operating air-conditioning system that provides cooled and heated air. If the air-conditioning system becomes inoperable, the vehicle must be removed from service until such system is repaired. Maximum output temperature will be based on a sliding scale chart which takes outside air temperature and relative humidity into account. Output temperature will be taken at center duct with controls set for maximum cooling.
- (8) The vehicle exterior must be free of grime, oil or other substances and free from cracks, breaks, dents and damaged paint that detracts from the overall appearance of the vehicle and that could harm, injure, soil or impair the passenger or his personal belongings.
- (9) Equipped with hubcaps or wheelcovers, on all four (4) wheels. If not on vehicle, the operator must put them on vehicle the next day.
- (10) Bumpers/moldings/guards shall be installed/ replaced as originally manufactured except for moldings on side panel doors.

- (11) The interior of the trunk, or rear portion of for-hire vehicles, shall be free from dirt, grime, oil, trash, or other material which could soil items placed therein and free of protruding metal or other objects that could damage items placed therein.
  - (12) The passenger compartment must be clean, free from torn upholstery or floor coverings, damaged or broken seats, and protruding sharp edges. All equipment in the interior of the vehicle shall be safely and adequately secured. There shall be no holes opening to the passenger compartment from the underbody.
  - (13) A horn which shall be audible.
  - (14) The driver's vision must be unobstructed on all four (4) sides.
  - (15) Safe tires no recaps shall be used. Maximum allowable treadwear shall be where tread is level with wear bar, or  $\frac{3}{32}$ " when measured at three random places in tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges or exposed belts.
  - (16) Front-end and rear-end alignment shall be within allowable parameters as provided by test equipment readings for alignment.
  - (17) Wiper blades must be able to clean glass when wet and the rubber element shall not be torn, ripped, or loose.
  - (18) All lights shall be operable including 4-way flasher, turn and signal, clearance, warning, marker, brakes, taillight, license plate, backup and parking light. All lights must be of correct color and properly positioned as required by Florida Statutes and regulations. All dome lights must be operable with lens in place.
  - (19) Reflectors and lenses shall not be cracked or missing and must be of correct color and properly positioned.
  - (20) Headlights, low and high beam, shall be operable, and within test equipment allowable readings.
  - (21) Glass shall not be broken or cracked and chips must be capable of being ground out, leaving a smooth, clear finish.
  - (22) Doors shall be operable with all weather stripping and rubber seals.
  - (23) Vehicle steering and suspension shall be functional.
  - (24) Seatbelts for all persons transported shall be in place and functional, unless otherwise exempted by regulation.
  - (25) Accessible vehicles shall have posted the international symbol of accessibility for disabled persons in the manner prescribed by CSD and shall be equipped with the following:
 

Ramp or lift facility which is operated electrically, hydraulically or manually with sufficient capacity to safely and smoothly lift passengers into and out of the vehicle and is in compliance with the lift and ramp requirements of the Americans with Disabilities Act.

For each wheelchair passenger transported, four (4) points of securement of latching or locking to the vehicle and the wheelchair in which the passenger will ride. The latching or locking devices shall be designed to minimize any lateral, longitudinal, or vertical motion of the passenger conveyance within the vehicle.

For each wheelchair passenger being transported, there shall be sufficient restraining belts or straps designed to securely confine the passenger to the wheelchair in which he or she is transported. The restraining belts or straps shall be utilized.
  - (26) Vehicles, other than taxicabs, used to transport passengers shall not display the word(s) "taxicab," "taxi" or "cab" on the vehicle exterior or interior and shall not be equipped with a taximeter.
- (b) Taxicabs shall meet the following additional standards:
- (1) The taxicab number, fares or rates, trade name or business name and passenger service company's telephone number shall

be permanently affixed to the exterior of the vehicle in accordance with instruction issued by the CSD.

- (2) Vehicle exterior color scheme must be approved by the CSD.
- (3) The top and tell-tale lights must be operable. Only taxis shall be equipped with a taximeter or top tell-tale light.
- (4) Advertisement on behalf of third parties may be displayed on the outside or inside of a for-hire vehicle provided approval is given by the CSD and any display is installed pursuant to instructions of the CSD. In no event shall the top and tell-tale lights of a taxicab be obscured.
- (5) Taxicabs operated under for-hire licenses issued through the lottery process provided in Section 31-82 shall have a mobile two-way radio, excluding CB radios, or a cellular telephone, installed and operating properly in compliance with applicable standards and requirements of the Federal Communications Commission (FCC).

(c) Reserved.

(d) The CSD shall conduct an annual taximeter inspection for each taxicab and shall inspect each vehicle for compliance with the foregoing standards, and any other requirement or prohibition contained in this article other than standards, requirements or prohibitions relating to taximeters, as provided below. The CSD shall charge a fee for such inspections. In addition to regular inspections, the CSD, any police officer or any other authorized personnel may inspect any for-hire motor vehicle at any time, and may require the driver of said vehicle to stop the vehicle at any time, and to permit the inspection of the interior or exterior of the vehicle, and to produce any license, permit, or document required by this article. The results of each inspection and the date for the next inspection shall be recorded and a copy provided the operator. Any vehicle failing to meet required safety standards shall not be operated as a for-hire vehicle until such time as the vehicle satisfactorily passes a reinspection. The CSD shall charge a fee for such

reinspection. Notwithstanding the foregoing, the quarterly inspection of each vehicle between and including five (5) and fifteen (15) model years old to determine compliance with the vehicle condition standards required by Section 31-89(a)(3), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14), Section 31-89(b)(1), (2), (3), (4) and (5) and Section 31-89(c)(1), (2) and (3) shall commence on May 1, 1995 and the quarterly inspection of each such vehicle to determine compliance with the vehicle safety and mechanical standards required by Section 31-89(a)(1), (2) and (4) shall be reduced to semi-annual inspection until July 1, 1998.

(e) Notwithstanding any other provision of this article, from and after ninety (90) days after the conduct of the lottery process, all taxicabs operated under for-hire licenses issued through the lottery process provided in Section 31-82 shall comply with the requirements of subsection (5) of subsection (b) of this section.

(f) Taxicab vehicle age limits and inspection schedules. Taxicab vehicle age limits and frequency of for-hire inspections are as follows provided, however, that the CSD may inspect a for-hire vehicle at any time. Any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than five (5) model years of age. Any vehicle over eight (8) years of age shall not be operated as a taxicab. Notwithstanding the foregoing, any taxicab:

- (1) Twelve (12) through fifteen (15) model years of age as of the effective date of this ordinance, which is being used as a taxicab in Miami-Dade County on the effective date of this ordinance, may continue to be operated until May 1, 1999;
- (2) Nine (9) through eleven (11) model years of age on the effective date of this ordinance, which is being used as a taxicab in Miami-Dade County on the effective date of this ordinance, may continue to be operated until May 1, 2000; and
- (3) Six (6) through eight (8) model years of age on the effective date of this ordinance, which is being used as a taxicab in Miami-Dade County on the effective date of this ordinance, may continue to be operated until December 31, 2000.

The grace period provided for in the preceding sentence shall not apply to taxicabs operated pursuant to the random selection process implemented after the adoption of this ordinance. Taxicabs shall minimally meet the following inspection schedule:

- (1) Taxicabs 1 through 2 model years of age shall be inspected annually;
- (2) Taxicabs 3-through 4 model years of age shall be inspected semi-annually;
- (3) Taxicabs 5 model years of age or more shall be inspected quarterly.

(g) Telecommunication devices for taxis. Beginning January 1, 1999, all taxicabs shall have a mobile two-way radio, excluding CB radios, or a cellular telephone, installed and operating properly in compliance with applicable standards and requirements of the Federal Communications Commission and this chapter.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 89-44, § 1, 5-23-89; Ord. No. 90-74, § 1, 7-24-90; Ord. No. 94-15, § 3, 1-20-94; Ord. No. 98-105, § 1, 7-9-98; Ord. No. 00-139, § 1, 11-14-00; Ord. No. 03-45, § 1, 3-11-03)

#### **Sec. 31-90. Enforcement of article.**

(a) This article shall be enforced by authorized personnel of the CSD, the police forces of the various municipalities in Miami-Dade County and by the Miami-Dade Police Department. When specifically authorized by the Director, this article may be enforced by personnel of the Seaport and Aviation Department against violations occurring within their respective boundaries. The CSD shall prepare and distribute to all authorized enforcement personnel an enforcement manual outlining procedures for the detection, reporting and issuance of citations or deficiency reports for violations of this article.

(b) The CSD may employ a deficiency or warning system through which operators are given written notice of minor violations and a specified period of time to correct same. Unless otherwise provided, all other violations shall be processed under Chapter 8CC of the Code.

(c) Deficiency reports and citations shall be issued to the party responsible for the violation as set forth in this article. Any person issued a deficiency report or a citation shall sign and accept it. Notice given to a chauffeur for a violation involving the vehicle under his control shall be deemed notice to the operator.

(d) Whenever a corporation, partnership, or association violates any of the provisions of this article, such violation shall be deemed also to be that of the individual officers, directors, partners, or agents of such corporation who have personally authorized, personally ordered, or personally done any of the actions constituting in whole or in part such violation, and any such officer, director, partner, or agent may be fined in the same manner and to the same extent as herein provided for an individual.

(e) Notwithstanding the provisions of this section, the Director may secure enforcement of the provisions of this article by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 94-15, § 3, 1-20-94; Ord. No. 98-105, § 1, 7-9-98)

#### **Sec. 31-91. Suspension and revocation proceedings.**

(a) Grounds for suspension or revocation. In addition to the grounds for automatic suspension or revocation provided elsewhere in this chapter, for-hire licenses, passenger service company registrations, operating permits, and chauffeur registrations shall be subject to suspension or revocation by the director as follows:

- (1) Upon the director's determination that:
  - (i) The license, registration or permit holder has pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication has been withheld) of any criminal offense which would preclude the issuance of the license, registration or permit as provided in this chapter;



- (ii) The license, registration or permit was obtained by an application in which any material fact was omitted or falsely stated;
- (iii) The license, registration or permit holder has failed to comply with or has violated any of the provisions of this chapter; or
- (iv) The public interest will best be served by revocation or suspension of the license, registration or permit provided, however, that good cause be shown;
- (v) The chauffeur has failed any drug test required by the Code or state or federal law; or
- (vi) A taxicab renewal application does not comply with the requirement of this chapter;
- (vii) Any for-hire motor vehicle has been operated in violation of any of the provisions of this chapter.

(b) Notice of suspension or revocation action. Except where this chapter provides for automatic suspension or revocation, the CSD shall provide notice of suspension or revocation to the violator by certified mail ten (10) days before the violator must comply with the director's decision.

(c) Appeals from decisions of director and administrative hearings.

- (1) Right to appeal. Any for-hire license holder, passenger service company registration holder, and for-hire chauffeur shall have the right to appeal application denials, suspensions and revocations by the Director. The named party shall elect to either:
  - (a) Comply with the Director's decision in the manner indicated on the Notice of Director's Decision; or
  - (b) Request an administrative hearing before a hearing officer to appeal the decision of the Director.
- (2) Filing the appeal. Appeal by administrative hearing shall be accomplished by filing within ten (10) days after the date of the decision complained of a written no-

tice of appeal to the Clerk of the Courts, Code Enforcement Section. The notice of appeal shall set forth concisely the nature of the decision appealed and the reasons or grounds for appeal.

- (3) Failure to appeal. Failure to appeal the decision of the Director within the prescribed time period shall constitute a waiver of the person's right to an administrative hearing before the hearing officer. Where the Director's decision involves a suspension or revocation, a waiver of the right to an administrative hearing shall be treated as an admission of the violation and the Director's decision shall be deemed final and enforceable. No further remedies shall be granted and the decision shall stand.
- (4) Hearing officers. Hearing Officers shall be appointed by the Clerk of the Courts, Code Enforcement Section.
- (5) Scheduling and conduct of hearing.
  - (a) Upon receipt of a timely request for an administrative hearing, the hearing officer shall set the matter down for hearing on the next regularly scheduled hearing date or as soon as possible thereafter or as mandated in the specified section of the Code.



- (b) The hearing officer shall send a notice of hearing by first class mail to the named party at his, her or its last known address. The notice of hearing shall include but not be limited to the following: place, date and time of the hearing; right of the named party to be represented by a lawyer; right of the named party to present witnesses and evidence; in the case of a director's decision involving suspension or revocation, notice that failure of the named party to attend the hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice; and notice that requests for continuances will not be considered if not received by the hearing officer at least ten (10) calendar days prior to the date set for hearing.
- (c) The hearing officers shall call hearings on a monthly basis or upon the request of the CSD. No hearing shall be set sooner than fifteen (15) calendar days from the date of notice of the director's decision, unless otherwise prescribed by this chapter.
- (d) A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing by the hearing officer at least ten (10) calendar days prior to the date set for the hearing. No additional continuances shall be granted without concurrence of the CSD.
- (e) All hearings conducted by a hearing officer shall be open to the public. All testimony shall be under oath. If the named party has been properly notified, a hearing may proceed in the absence of the named party and the failure to attend a hearing shall be deemed a waiver of the right to a hearing and an admission of the acts specified in the notice.
- (f) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.
- (g) The Clerk of the Board of County Commissioners shall provide clerical and administrative personnel as may be reasonably required by each hearing officer for the proper performance of his or her duties.
- (h) Each case before a hearing officer shall be presented by the director or his or her designee.
- (i) The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses.
- (j) Each party shall have the right: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any relevant matter; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. All relevant evidence shall be admitted.
- (k) The hearing officer shall make findings of fact based on the evidence of record. In order to make a finding upholding the director's decision the hearing officer must find that a preponderance of the evidence supports the director's decision and, where applicable, indicate that the named party was responsible for the violation of the relevant section of the Code as charged.
- (l) If the director's decision is affirmed the named party may be held liable for the reasonable costs of the administrative hearing.
- (m) The fact-finding determination of the hearing officer shall be limited to whether the alleged violation occurred or whether competent, substantial evidence supports the director's decisions. Based upon this fact-finding determination, the hear-

ing officer shall either affirm or reverse the decision of the director. If the hearing officer affirms the decision of the director, the named party shall have fifteen (15) days from the date of the hearing officer's decision to comply with the decision of the director. If the hearing officer reverses the decision of the director and finds (1) the named party not responsible for the violation alleged; or (2) insufficient basis for the denial of application, a written decision shall be prepared setting forth the basis for such determination. If the hearing officer reverses the decision of the director, the named party shall not be required to comply with the decision of the director, absent reversal of the hearing officer's findings pursuant to Section 31-91(c)(6). If the decision of the hearing officer is to affirm, then the following shall be included in the decision:

- (a) Decision of the Director.
- (b) Administrative costs of the hearing.
- (c) Date for compliance, if applicable.
- (n) The hearing officer shall have the power to:
  - (a) Adopt procedures for the conduct of hearings;
  - (b) Subpoena alleged violators and witnesses for hearings; subpoenas may be served by the Miami-Dade County Sheriff's Department or by the hearing officer's staff;
  - (c) Subpoena evidence; and
  - (d) Take testimony under oath.
- (6) Appeals.
  - (a) The named party or the county may appeal a final order of the hearing officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance

with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of administrative action.

- (b) Unless the findings of the hearing officer are overturned in a proceeding held pursuant to section 31-91(c)(6), all findings of the hearing officer shall be admissible in any further proceeding to compel compliance with the director's decision.
  - (7) Nothing contained in this chapter shall prohibit Miami-Dade County from enforcing the Code by any other means authorized by law. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of any section of this Code. The words "action" and "decision" as used herein shall not include the filing of any action by the director in any court. The director may reconsider at any time any action or decision taken by the director and therefore may modify such an action or decision.
- (Ord. No. 81-85, § 3, 7-21-81; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 98-105, § 1, 7-9-98)

#### **Sec. 31-92. Violations; penalties.**

(a) In addition to any other penalties provided by law, including but not limited to those provided in this article, a violation of any applicable provision of this article by a for-hire license holder, registered passenger service company or registered chauffeur shall constitute a civil offense punishable by the applicable civil penalty as provided in the schedule of civil penalties in Section 8CC-10 of this Code. Failure of a person to pay a civil penalty within sixty (60) days of the due date for paying such fine as specified on the civil violation notice or within sixty (60) days of the date of the final outcome of any timely filed appeal of such violation notice, whichever is later, shall result in automatic suspension of such person's for-hire license, passenger service company registration, operating permit and chauffeur registration and all for-hire operations shall cease until such fine is paid in full. If a person

commits five (5) violations of the same section of this chapter during any twelve-month period, such person's for-hire license, passenger service company registration, operating permit or chauffeur's registration shall be automatically revoked. If a person commits five (5) violations of this chapter during any twelve-month period, such person's for-hire license, passenger service company registration, operating permit or chauffeur's registration may be suspended for a period of up to six (6) months or revoked.

(b) Failure to correct items recorded on a deficiency report by the time of deadline shall cause a citation to be issued for each such item. Citations shall be issued under Chapter 8CC of the Code.

(c) Any person who is found guilty on at least two (2) prior occasions within a three-year period of advertising or providing for-hire transportation, passenger services, or driving or operating a for-hire vehicle without having a valid, current for-hire license, passenger service company registration, operating permit or chauffeur's registration as required by this chapter shall be punishable by fines of greater than five thousand dollars (\$5,000.00) but less than ten thousand dollars (\$10,000.00) and/or imprisonment not to exceed forty-five (45) days.

(d) Except for civil violations, the hearings specified in subsection (c) hereof shall be within the jurisdiction of the County Court and the Clerk of the Court is hereby empowered to dispose of the case and fines assessed through the normal procedure.

(e) Anyone who engages a for-hire vehicle with intent to defraud the chauffeur or operator shall be in violation of this article and subject to a fine of five hundred dollars (\$500.00) and/or imprisonment not to exceed ten (10) days.

(f) Any person who is found guilty of signing an application for issuance, renewal, modification, assignment, sale or transfer of a for-hire license, passenger service company registration, chauffeur registration or operating permit which falsely states any material fact shall be punished

by a fine of one thousand dollars (\$1,000.00) and imprisonment in the County Jail for thirty (30) days.

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 87-12, § 2, 3-17-87; Ord. No. 89-44, § 1, 5-23-89; Ord. No. 90-74, § 1, 7-24-90; Ord. No. 94-15, § 3, 1-20-94; Ord. No. 98-105, § 1, 7-9-98)

### **Sec. 31-93. Special provisions.**

(a) The provisions of this article shall be the exclusive regulations applicable to the provision of and operation of for-hire motor vehicle transportation services in Miami-Dade County. Notwithstanding the provisions of any municipal ordinance, resolution or agreement to the contrary, from and after the effective date of this article no municipality shall authorize, establish, change, alter, amend, or otherwise regulate for-hire transportation in Miami-Dade County. Regulations established by this article shall be uniform throughout Miami-Dade County both in the incorporated and unincorporated areas without regard to municipal boundaries. All municipal ordinances or resolutions to the contrary are hereby superseded and rescinded.

(b) Any taxicab licensed pursuant to Section 31-82 of this article and meeting all standards set forth in Section 31-89 of this article shall be authorized to provide transportation of persons and their baggage from Miami International Airport and from the Port of Miami upon compliance with reasonable and nondiscriminatory terms, conditions and fees, as established by the County Manager. The transportation of persons and baggage from Miami International Airport or from the Port of Miami shall constitute an agreement by the operator that he will conform and cause the chauffeur driving such taxicab to conform to such terms, conditions, and fees.

(c) Underserved taxicab service area.

(1) An underserved taxicab service area is hereby established. For purposes of this subsection, an "underserved taxicab service area" means the economically disadvantaged area in Miami-Dade County that is bounded on the north by N.W. 79<sup>th</sup> Street, on the south by N.W. 7<sup>th</sup> Street, on the east by Miami Avenue and on the west

by N.W. 27<sup>th</sup> Avenue. For purposes of this subsection, an "underserved area taxicab" means a taxicab where: (a) the for-hire license holder has entered into a passenger service company agreement with a passenger service company that has its principal place of business within the underserved taxicab service area; (b) an average minimum of seventy-five (75) percent of all pickups by the taxicab during each twenty-four hour period originate in the underserved taxicab service area; and (c) the for-hire license holder has applied for and been designated by the Director of CSD as an underserved area taxicab. Any for-hire license holder who seeks to be designated as an underserved area taxicab shall complete and submit a form provided by CSD documenting compliance with the provisions of this subsection for the three-month period preceding submission of the application. Each for-hire license holder authorized to operate as an underserved area taxicab shall on a semiannual basis submit on a form provided by CSD documentation demonstrating continuing compliance with the requirements of this subsection. Failure of the underserved area taxicab for-hire license holder to comply with any of the provisions of this subsection shall result in the suspension or revocation of authorization to operate as an underserved area taxicab.

- (2) In each of the calendar years 2004, 2005 and 2006, an additional six (6) for-hire taxicab licenses shall be issued annually through a separate lottery pursuant to Section 31-82(o)(3) to qualified chauffeurs who satisfy the criteria of Section 31-82 (q) and enter into a binding agreement with the County that contains, among others, the following provisions: (i) the chauffeur is restricted to picking up passengers in an underserved taxicab service area only; and (ii) the chauffeur shall enter into a passenger service company agreement with a passenger service company which has its principal place of business in an underserved taxicab service

area. Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license for a period of five (5) years after the initial issuance of the license. Any transfer of an underserved taxicab license shall only be made to a qualified chauffeur who meets the requirements of this subsection. The price for an underserved taxicab area for-hire license issued pursuant to a lottery shall be fifteen thousand dollars (\$15,000.00). The County Manager shall perform a study within 120 days from the effective date of this ordinance to evaluate whether the underserved area taxicabs are adequately serving the needs of residents and visitors to the service area during the evening hours.

- (3) Notwithstanding any provision to the contrary, a taxicab that satisfies the requirements of either Subsection (c)(1) or (c)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than eight (8) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab.
- (4) Notwithstanding any provision to the contrary, a taxicab that satisfies the requirements of either subsection (c)(1) or (c)(2) may utilize a color scheme approved by the Director of CSD which does not satisfy the requirements of Section 31-85 (a) pertaining to uniform color scheme.

(d) South Miami-Dade taxicab service area. A South Miami-Dade taxicab service area is hereby established. For purposes of this subsection, the South Miami-Dade taxicab service area means the area located south of S.W. 136 Street. In each of the calendar years 2004, 2005 and 2006, seven (7) additional for-hire taxicab licenses shall be issued annually through a separate lottery, pursuant to Section 31-82 (o) (2), to qualified chauffeurs who satisfy the criteria of Section 31-82 (q) and enter into a binding agreement with the County that the chauffeur is restricted to picking up passengers in the South Miami-Dade taxicab service area only. Any chauffeur issued a for-hire

taxicab license pursuant to this subsection shall not transfer the taxicab license for a period of five (5) years after the initial issuance of the license. Any transfer of a South Miami-Dade taxicab service area license shall only be made to a qualified chauffeur who meets the requirements of this subsection. The price for a South Miami-Dade taxicab service area for-hire license issued pursuant to a lottery shall be fifteen thousand dollars (\$15,000).

(Ord. No. 81-85, § 3, 7-21-81; Ord. No. 81-116, § 1, 10-26-81; Ord. No. 83-2, § 1, 1-18-83; Ord. No. 84-17, § 1, 2-2-84; Ord. No. 85-40, § 2, 6-6-85; Ord. No. 88-70, § 1, 7-19-88; Ord. No. 88-118, § 2, 12-6-88; Ord. No. 90-7, § 1, 2-6-90; Ord. No. 98-105, § 1, 7-9-98; Ord. No. 99-71, § 1, 6-22-99; Ord. No. 01-177, § 1, 10-23-01; Ord. No. 04-103, § 1, 5-11-04)

#### **Sec. 31-94. Seizure, impoundment and forfeiture.**

(A) *Seizure.* Police officers or such other employees as may be designated by the County Manager are authorized to seize and impound any for-hire motor vehicle which such officer or employee has probable cause to believe is being operated in violation of Section 31-82(a) of Article II of Chapter 31 of the Miami-Dade County Code. A vehicle seized in accordance with this subsection shall be removed to a designated secured facility.

##### **(B) Notice of seizure.**

- (1) Within twenty-four (24) hours of a seizure, as described in Section 31-94(A), a police officer or other designated County employee shall make a diligent search and inquiry as to the owner's name and address and make a good faith effort to give a notice of seizure in writing to said vehicle owner of the fact of such seizure, the grounds for seizure, identification of the seized vehicle and information concerning these regulations and the designated secured facility to which the vehicle was or will be taken. A copy of said notice of seizure shall also be given to the proprietor of such secured facility.

- (2) Whenever an officer or designated employee seizes a vehicle under this section, and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinabove provided, then and in that event the officer or designated employee shall immediately send or cause to be sent a written report of such removal by mail to the Motor Vehicle Commissioner of the Miami-Dade Police Department.

(C) *Vehicle impoundment hearing.* Whenever the owner of record of a vehicle seized pursuant to this section makes a request of the CSD in person and in writing for a vehicle impoundment hearing within ten (10) days of seizure exclusive of Saturdays, Sundays and legal holidays, a magistrate, as provided in F.S. § 318.32, a County Court Judge or a Hearing Examiner, who shall not have responsibility for the enforcement of this article and who shall be designated by the CSD Director, shall conduct the hearing within twenty-four (24) hours or as soon as practicable, excluding Saturdays, Sundays and legal holidays. All interested persons shall be given reasonable opportunity to be heard at the vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the Magistrate, County Court Judge or Hearing Examiner determines that there is no probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (A), the Magistrate, County Court Judge or Hearing Examiner shall order the immediate return of the vehicle. If, after the hearing, the Magistrate, County Court Judge or Hearing Examiner determines that there is probable cause to believe that the vehicle is subject to seizure and impoundment under subsection (A), the Magistrate, County Court Judge or Hearing Examiner shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle (1) posts with the court or CSD a cash bond in the amount of the maximum fine(s), plus any applicable towing and storage fees, or (2) pleads guilty or nolo contendere and pays in full any towing and storage fees plus the fine(s). Notwithstanding the foregoing, if,

after the hearing, it is determined that there is probable cause to believe that the vehicle is subject to forfeiture proceedings pursuant to Section 31-94(G), said vehicle shall not be released.

(D) *Hearing regarding Code violation charged in field enforcement report and/or complaint/arrest affidavit.* Within ten (10) days after a vehicle is seized and impounded pursuant to this section or as soon as practicable, the CSD and/or the Clerk's Office shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of a hearing that will be conducted regarding the Code violations charged in the field enforcement report the complaint/arrest affidavit or other charging instrument. The hearing shall be conducted within thirty (30) days after the vehicle was seized or as soon as practicable. The hearing shall be conducted by a magistrate, county court judge or hearing examiner. All interested persons shall be given a reasonable opportunity to be heard at the hearing.

(E) *Decisions at hearing.*

- (1) If the Magistrate, County Court Judge or Hearing Examiner dismisses the Code violation(s) charged in the field enforcement report, complaint/arrest affidavit or other charging document and/or finds the person charged not guilty, the Magistrate, County Court Judge or hearing examiner shall issue an order for release of the seized vehicle without removal and storage fees.
- (2) If the Magistrate, County Court Judge or Hearing Examiner finds a violation of the Code, the Magistrate, County Court Judge or Hearing Examiner shall assess a fine and/or jail sentence as provided in Section 31-92 of the Code, and removal and storage fees. The fine(s), if any, and removal and storage fees must be paid in order to obtain an order for release of the seized vehicle. A Magistrate, County Court Judge or Hearing Examiner shall not issue an order releasing the vehicle where said vehicle is subject to forfeiture proceedings pursuant to Section 31-94(G).
- (3) If the owner does not obtain the vehicle by the date specified in the order of release,

the owner shall be responsible for any further storage fees, and payment of such fees shall be made before the release of the vehicle.

- (4) A vehicle shall not be released from storage prior to the scheduled hearing specified in this subsection if the vehicle is subject to forfeiture pursuant to Section 31-94(G) of the Code.
- (5) *Default hearing.* If the owner of the seized vehicle fails to appear for the hearing specified in Section 31-94(D), a default hearing will be held. A Magistrate, County Court Judge, or Hearing Examiner shall make a determination pursuant to paragraph (1) or (2) of this subdivision (E). The CSD will inform the respondent of the default determination by certified mail, return receipt requested. The information mailed to the owner shall include the provisions of Section 31-94 herein concerning abandoned vehicles. The respondent may comply with the default determination within seven (7) calendar days of such mailing or move to vacate such default determination. In the event that such default determination is vacated, the respondent shall be entitled to a hearing de novo on the original complaint/arrest affidavit, field enforcement report or other charging document. Such hearing shall be schedule within ten (10) working days of the order vacating the default determination or as soon as practicable.

(F) *Appeals.* If a violation of Section 31-82(a) of the Code is found, the assessed fine(s) together with removal and storage fees must be paid in order to appeal. However, if the vehicle is the subject of a forfeiture proceeding pursuant to



Section 31-94(G) of the Code, only the fine, if any, must be paid in order to appeal. If upon appeal the decision is reversed in whole or part, the appellant shall receive a refund of the relevant fine(s) and fees.

(G) *Forfeiture.*

- (1) *Forfeiture.* In addition to the penalties set forth in Sections 31-91 and 31-92 of the Code, any for-hire motor vehicle used to commit three (3) or more violations of Section 31-82(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after the effective date of this ordinance shall be subject to forfeiture upon notice and judicial determination.
- (2) *Determination by the CSD Director.* The Director of the CSD shall determine whether to pursue the remedy of forfeiture. Miami-Dade County shall not use the seized vehicle for any purpose until the rights to, interest in, and title to the seized property are perfected in accordance with this section. This section does not prohibit use or operation necessary for reasonable maintenance of seized vehicles. Reasonable efforts shall be made to maintain seized vehicles in such a manner as to minimize loss of value.
- (3) Vehicles subject to forfeiture may be seized provided that the owner is notified at the time of the seizure or by certified mail, return receipt requested, that there is a right to an adversarial preliminary hearing after the seizure to determine whether probable cause exists to believe that such vehicle has been used to commit three (3) or more violations of Section 31-82(a) of the Code on at least three (3) separate occasions within a thirty-six (36) month period, where all of such violations were committed on or after the effective date of this ordinance. The CSD or other authorized law enforcement agencies shall make a diligent effort to notify the owner of the seizure. Notice provided by certified mail must be mailed within five (5) working days of the seizure and shall state that the owner may request an adversarial preliminary hearing within fifteen (15) days of receiving such notice. When a post-seizure adversarial preliminary hearing as provided herein is requested, it shall be held within ten (10) days after the request or as soon as practicable. If the court determines that the required probable cause exists, the court shall order the property restrained by the least restrictive means to protect against disposal, waste, or continued illegal use pending disposition of the forfeiture proceeding. If the court orders the release of the vehicle, all fines, if any, and towing and storage fees shall be paid prior to release.
- (4) Neither replevin nor any other action to recover any interest in such property shall be maintained in any court, except as provided in this section; however, such action may be maintained if forfeiture proceedings are not initiated within forty-five (45) days after the date of seizure. However, if good cause is shown, the court may extend the aforementioned prohibition to sixty (60) days.
- (5) The court shall order the forfeiture of any other property of a claimant of a vehicle, excluding lienholders, up to the value of the vehicle subject to forfeiture under this section if the vehicle:
  - (a) Cannot be located;
  - (b) Has been transferred to, sold to, or deposited with, a third party;
  - (c) Has been placed beyond the jurisdiction of the court;
  - (d) Has been substantially diminished in value by any act or omission of the person in possession of the property; or
  - (e) Has been commingled with any property which cannot be divided without difficulty.
- (6) *Exceptions.*
  - (a) No vehicle shall be forfeited under the provisions of this section if the

owner of such vehicle establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such vehicle was being used or was likely to be used in violation of Section 31-82(a) of the Code.

- (b) No bona fide lienholder's interest shall be forfeited under the provisions of this section if such lienholder establishes by a preponderance of the evidence that she or he neither knew, nor should have known after a reasonable inquiry, that such property was being used or was likely to be used in violation of Section 31-82(a) of the Code, that such use was without his or her expressed or implied consent, and that the lien had been perfected in the manner prescribed by law prior to such seizure.
- (c) No vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles shall be forfeited under the provisions of this section if the company establishes by a preponderance of the evidence that it neither knew, nor should have known, that the vehicle was being used or was likely to be used in violation of Section 31-82(a) of the Code. When a vehicle which is rented or leased from a company engaged in the business of renting or leasing vehicles is seized under this section, upon learning the address or phone number of said company, the CSD shall, as soon as practicable, inform said company that the vehicle has been seized.
- (d) Any interest in, title to, or right to a vehicle titled or registered jointly by the use of the conjunctives "and," "and/or," or "or" held by a co-owner shall not be forfeited if the co-owner establishes by a preponderance of the evidence that such co-owner neither knew, nor had reason to know,

after reasonable inquiry, that such property was used or was likely to be used in violation of Section 31-82(a) of the Code. When the interests of each culpable co-owner are forfeited, any remaining co-owners shall be afforded the opportunity to purchase the forfeited interest in, title to, or right to the property from Miami-Dade County. If any remaining co-owner does not purchase such interest, Miami-Dade County may hold the property in co-ownership, sell its interest in the property, liquidate its interest in the property, or dispose of its interest in the property in any other reasonable manner.

(7) Forfeiture proceedings.

- (a) It is the policy of Miami-Dade County that the provisions of this section are adopted to deter and prevent the continued use of for-hire motor vehicles to violate Section 31-82(a) of the Code while protecting proprietary interests of innocent owners and lienholders and to authorize the use of the proceeds collected under this section as supplemental funding for enforcement purposes.
- (b) The Florida Rules of Civil Procedure shall govern forfeiture proceedings under this section unless otherwise specified herein.
- (c) Any trial on the ultimate issue of forfeiture shall be decided by a jury, unless such right is waived by the claimant of the vehicle through a written waiver or on the record before the court conducting the forfeiture proceeding.
- (d) Miami-Dade County shall promptly proceed against the vehicle by filing a compliant in the circuit court.
- (e) (i) The complaint shall be styled "in RE: FORFEITURE OF \_\_\_\_\_" (followed by the name or description of the ve-

- hicle). The complaint shall contain a brief jurisdictional statement, a description of the subject matter of the proceeding, and a statement of the facts sufficient to state a cause of action that would support a final judgment of forfeiture. The complaint must be accompanied by a verified supporting affidavit.
- (ii) If no person entitled to notice requests an adversarial preliminary hearing, as provided in Section 31-94(G)(3), the court, upon receipt of the complaint, shall review the complaint and the verified supporting affidavit to determine whether there was probable cause for the seizure. Upon a finding of probable cause the court shall enter an order showing the probable cause finding.
  - (iii) The court shall require any claimant of a vehicle who desires to contest the forfeiture to file and serve upon the attorney representing Miami-Dade County any responsive pleadings and affirmative defenses within twenty (20) days after receipt of the complaint and probable cause finding.
- (f) (i) Miami-Dade County shall serve notice of the forfeiture complaint by certified mail, return receipt requested, to each person having a security interest in the vehicle. Miami-Dade County shall also publish notice of the forfeiture complaint twice each week for two (2) consecutive weeks in a newspaper of general circulation in Miami-Dade County.
- (ii) The notice shall, in addition to stating that which is required by Section 31-94(G)(3) describe the property; state the county, place, and date of seizure; state the governmental entity holding the seized property; and state the name of the court in which the complaint will be filed.
- (iii) Miami-Dade County shall be obligated to make a diligent search and inquiry as to the owner of the vehicle, and if, after such diligent search and inquiry, Miami-Dade County is unable to ascertain any person entitled to notice, the actual notice requirements by mail shall not be applicable.
- (g) When the claimant of the vehicle and Miami-Dade County agree to settle the forfeiture action prior to the conclusion of the forfeiture proceeding, the settlement agreement shall be reviewed, unless such review is waived by the claimant of the vehicle in writing, by the court or a mediator or arbitrator agreed upon by the claimant and Miami-Dade County.
- (h) Upon clear and convincing evidence that the seized vehicle was used to commit a third of subsequent violation of Section 31-82(a) of the Code on at least three (3) separate occasions within a thirty-six-month period, where all of such violations were committed on or after the effective date of this section, the court shall order the seized property forfeited to Miami-Dade County. As used in this subsection, a "violation" occurs when a person or entity pleads guilty or nolo contendere or is convicted or found guilty of violating Section 31-82(a) of the Code using the vehicle subject to forfeiture. The final order of forfeiture by the court shall perfect in Miami-Dade County right, title and interest in and to such property, subject only to the

rights and interests of bona fide lienholders, and shall relate back to the date of seizure.

- (i) (i) The seized property shall be released immediately to the person entitled to possession of the property as determined by the court when the claimant prevails at the conclusion of the forfeiture proceeding, and Miami-Dade County decides not to appeal.
- (ii) When the claimant of the vehicle prevails at the conclusion of the forfeiture proceeding, any decision to appeal must be made by the CSD Director. If the claimant prevails on appeal, Miami-Dade County shall immediately release the seized property to the person entitled to possession of the property as determined by the court.
- (j) Disposition of forfeited property where no lien. When Miami-Dade County obtains a final judgment granting forfeiture of a vehicle, it may elect to:
  - (i) Retain the property for the County's use;
  - (ii) Sell the property at public auction or by sealed bid to the highest bidder; or
  - (iii) Salvage, trade, or transfer the vehicle to any public or non-profit organization.
- (k) Disposition of forfeited property where lien. If the forfeited vehicle is subject to a lien preserved by the court as provided in Section 31-94(G)(6)(b), Miami-Dade County shall:
  - (i) Sell the property with the proceeds being used towards satisfaction of any liens; or
  - (ii) Have the lien satisfied prior to taking any action authorized by Section 31-94(G)(7)(j).
- (l) Priority of disbursement. The proceeds from the sale of a forfeited vehicle shall be disbursed in the following priority:
  - (i) Payment of the balance due on any lien preserved by the court in the forfeiture proceedings.
  - (ii) Payment of the cost incurred by Miami-Dade County in connection with the storage, maintenance, security, and forfeiture of such property.
  - (iii) Payment of court costs incurred in the forfeiture proceeding.
  - (iv) The remaining proceeds shall be deposited in an Enforcement Trust Fund hereby established by the Board of County Commissioners. Such proceeds and interest earned therefrom shall be used for enforcement of the provisions of Chapter 31 of the Code.
- (H) *Abandoned vehicles.*
  - (1) If an owner does not assert an interest in a seized vehicle by removing it from storage within the time periods specified in paragraph (2) of this subsection (H), the vehicle shall be deemed abandoned. A declaration of such abandonment may be made by a circuit court judge after a duly noticed hearing, without further hearing.
  - (2) A vehicle shall be deemed abandoned, pursuant to paragraph (1) herein, if an owner:
    - (a) Has not removed the vehicle from storage within ten (10) days of obtaining an order of release pursuant to Section 31-94(C), (e) or (G)(7)(i) herein; or
    - (b) Has not paid the fines, if any, and towing and storage fees within ten (10) days of a hearing determination of violation pursuant to Section 31-94(E)(2) herein, or within ten (10) days after notice of a default deter-

mination of violation was mailed to the owner pursuant to Section 31-94(E)(5) herein; or

- (c) Has not paid the fines, if any, and towing and storage fees within ten (10) days of denial of a motion to vacate a default determination pursuant to Section 31-94(E)(5); or
  - (d) Has not paid the fines, if any, and towing and storage fees within ten (10) days after a notice was mailed by the CSD to the owner that the County will not pursue the remedy of forfeiture pursuant to Section 31-94 herein.
- (3) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this subsection (H), the CSD shall mail to the owner a notice that the vehicle has been recovered by CSD as an abandoned vehicle and that, if unclaimed, its ownership shall vest in Miami-Dade County and it will be sold at public auction or by bid after ten (10) days from the date such notice was mailed. Such notice shall also be mailed to any lienholder or mortgagee shown in the records of the jurisdiction which issued the number of license plates on the vehicle.
- (4) An owner, lienholder or mortgagee may claim the vehicle within ten (10) days from the date that the notice described in paragraph (3) of this subsection (H) was mailed, by paying the towing and storage fees due and any fine(s).
- (5) In the event that an abandoned vehicle is not claimed within ten (10) days after the notice described in paragraph (3) of this subsection (H) was mailed, ownership of the abandoned vehicle shall vest in CSD after a duly noticed hearing and declaration of abandonment by a circuit court judge. The CSD may sell an abandoned vehicle at public auction or by bid. Proceeds shall be paid into the Enforcement Trust Fund.

(Ord. No. 98-3, § 1, 1-13-98; Ord. No. 98-105, § 2, 7-9-98)

## **Secs. 31-95—31-98. Reserved.**

### **Sec. 31-99. Advertisement of for-hire services.**

(a) No person may knowingly place or publish an advertisement in any publication which is primarily circulated, displayed, distributed or marketed within Miami-Dade County, Florida, which advertisement identifies for-hire transportation regulated by this article, unless the advertisement includes the for-hire license number or passenger service company number.

(b) For the purposes of this section, any advertisement shall be defined to include any announcement, listing, display, entry or other statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading where the heading describes or encompasses any for-hire transportation regulated under this article.

(c) No person shall advertise a rate or fare other than the rate or fare approved pursuant to Section 31-87.

(Ord. No. 98-105, § 1, 7-9-98)

**Editor's note**—In order to avoid the duplication of section 31-101, the section added by Ord. No. 98-105, § 1, adopted July 9, 1998, as 31-101 has been redesignated as section 31-99.

### **Sec. 31-100. Passenger service companies.**

(a) *Prohibition against unauthorized operations.* No person or entity shall provide taxicab passenger services on behalf of a for-hire license holder without such person or entity first obtaining a Miami-Dade County passenger service company registration and maintaining such registration current and valid in accordance with this article. A taxicab for-hire license holder may provide passenger services without obtaining a registration if he, she or it only provides said services for a taxicab(s) operated pursuant to a for-hire license(s) issued to said for-hire license holder and complies with all other requirements of this section.

(b) *Taxicab passenger services.* Taxicab passenger services provided by a passenger service company or for-hire license holder shall minimally include, but not be limited to, the following: providing for-hire vehicle color schemes and mark-

ings; providing two-way radio or cellular telephone dispatch services, maintenance and advertising of a telephone number for receiving all calls related to for-hire taxi services; handling passenger complaints and passenger lost and found; a properly listed telephone for receiving all calls relating to for-hire vehicle service.

(c) *Application procedures.* Every application for a passenger service company registration shall be in writing, signed and sworn to by the applicant, and shall be filed with the CSD together with a non-refundable investigative and processing fee. The application shall be on a form provided by the CSD and shall contain all information required thereon, including:

- (1) Full legal name, mailing address and business telephone number, federal identification number of all partners of a partnership and of all directors, officers, resident agents and stockholders who hold five (5) percent or more of the issued and outstanding shares of the corporation. The applicant shall disclose the foregoing information for any person who has an interest (legal, equitable, beneficial or otherwise) in the registration. Post office addresses shall not be acceptable.
- (2) The address of the place of business from which for-hire operations are conducted. Such place of business shall be in Miami-Dade County; shall be in compliance with applicable zoning requirements for its operations; and shall have a properly listed telephone number for receiving all calls relating to for-hire vehicle service.
- (3) A record of all crimes of which any partner, director, officer or stockholder has pled nolo contendere, pled guilty, been found guilty or been convicted. The applicant shall have his or her fingerprints and photographs taken by the Metro-Miami-Dade Police Department. This information shall be obtained for all corporate officers and directors or partners, as the case may be. Stockholders who hold less than five (5) percent of the issued and

outstanding shares of the corporation shall not be required to comply with the requirements of this subsection.

- (4) A current, valid occupational license and a current fictitious name registration.
- (5) Three (3) Miami-Dade County written credit references, including at least one (1) bank where the applicant has a current account and a certified financial statement.
- (6) A written passenger service plan which shall include:
  - (i) A description of the services to be provided to passengers;
  - (ii) A description of the vehicle maintenance facilities and vehicle maintenance program, if applicable;
  - (iii) A description of the system for handling complaints, accidents and property left by a passenger in the for-hire vehicle;
  - (iv) A description of the quality assurance program which will be utilized to assure delivery of service to passengers;
  - (v) A description of the system for handling insurance requirements under this chapter;
  - (vi) A description of the radio or cellular telephone dispatch system, as required including procedure for receiving passenger calls, dispatching calls, and maintaining required records;
  - (vii) A copy of the passenger service agreement forms which it proposes to execute with for-hire license holders and chauffeurs;
  - (viii) A sworn statement signed by the applicant that all the information provided by the applicant is true and correct.

(d) *Investigation and eligibility of passenger service applicant.* The CSD shall investigate each application. The director may issue or refuse to issue such registration on such terms and condi-

tions as the public interest may require. The director's decision to deny an application may be appealed in accordance with this chapter. An applicant shall not be eligible for a passenger service company registration if he/she/it:

- (1) Has misrepresented or concealed a material fact on his/her/its application;
- (2) Is an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States;
- (3) Is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;
- (4) Has within the last five (5) years pled nolo contendere, pled guilty, been found guilty or been convicted of a felony unless his or her civil or residency rights have been restored;
- (5) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a for-hire vehicle was employed whether or not adjudication has been withheld;
- (6) Has pled nolo contendere, pled guilty, been found guilty or been convicted of any felony involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer under Section 775.0823, Florida Statutes, or is a habitual violent felony offender under Section 775.084, Florida Statutes;
- (7) Violated any condition, limitation, or restriction of a passenger service company registration imposed by the director, or commission;
- (8) Was enjoined by a court of competent jurisdiction from engaging in the for-hire business or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this chapter;
- (9) If the person is a corporation or partnership, a stockholder, officer, director, or partner thereof and has committed an act or omission which would be cause for

denying a passenger service company registration to the officer, director, stockholder, or partner as an individual;

- (10) Failed to comply with the terms of a cease and desist order, notice to correct a violation or any other lawful order of the director;
  - (11) Has any unsatisfied civil penalty or judgment relating to for-hire operations;
  - (12) Is not located in Miami-Dade County and/or its place of business is not in a properly zoned location;
  - (13) Has within the last five (5) years pled nolo contendere, pled guilty, been found guilty or been convicted of any misdemeanor (regardless of whether adjudication is withheld) involving moral turpitude relating to sex; or
  - (14) Has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication is withheld) of any offense involving trafficking in narcotics. After said ten-year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.
- (e) Conditions for obtaining a passenger service company registration. No passenger service company registration shall be issued or renewed unless the applicant:
- (1) Has paid a registration fee;
  - (2) Has complied with the insurance requirements of this article for each vehicle it operates, if applicable;
  - (3) Has entered into a passenger service agreement with the for-hire license holder for each for-hire vehicle it operates;
  - (4) Has entered into a chauffeur's agreement with each chauffeur who operates or drives a for-hire vehicle for which the passenger service company provides passenger services;
  - (5) Maintains a quality assurance program including regular training for all affiliated chauffeurs;

- (6) Provides a radio or cellular telephone dispatch system.

*(f) Issuance and replacement of passenger service company registration.*

- (1) *Issuance.* Each passenger service company registration shall be on a form provided by the CSD and shall be signed by the director. Each registration shall, at minimum, contain the legal name of the applicant, any fictitious name to be utilized, the address and telephone number of the place of business, the registration expiration date, the class of passenger services authorized, and such additional terms, conditions, provisions and limitations as are imposed during the approval process.

- (2) *Replacement.* The director shall issue a replacement registration to any registration holder upon application, payment of a non-refundable replacement fee and presentation of proof of or a sworn affidavit that the license has been lost or stolen.

*(g) Expiration of and renewal process for passenger service company registration.* Passenger service company registrations may be issued for such periods as specified in the administrative order establishing the fees. The CSD may establish staggered registration terms to ease the administration of the renewal process. Renewal shall be accomplished in the same manner as the initial application no less than thirty (30) days prior to expiration of the registration together with payment of a registration fee. No registration shall be renewed for an applicant who does not have at least one (1) current, valid passenger service agreement in effect. Registration holders shall have a grace period of up to thirty (30) days after expiration of their registration in which to renew same; provided, however, the registration holder within such thirty-day period shall also pay a non-refundable late fee over and above the annual registration fee. All registrations which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.

*(h) Rules pertaining to change in control of the passenger service company registration.* Passenger service company registrations shall not be

sold, transferred, assigned or leased. Any change in control or ownership of a passenger service company registration shall immediately terminate the registration and a new passenger service company application shall be filed. The passenger service company may continue to operate provided that such application has been filed with the CSD within ten (10) days of the change in control or ownership. The application shall be filed in accordance with Section 31-100(c) and be accompanied by an investigatory and processing fee.

*(i) Requirement of a passenger service agreement with for-hire license holder.* Each passenger service company shall enter into a separate written passenger service agreement with the for-hire license holder for each vehicle operated in accordance with this chapter. The written passenger service agreement:

- (1) Shall provide for an express duration for the agreement;
- (2) Shall only be terminated with at least thirty (30) days prior notice unless good cause be shown and only for the reasons stated therein;
- (3) Shall state the full legal name and address (post office boxes shall not be acceptable), license and registration numbers;
- (4) Shall state and itemize the compensation to be paid by the passenger service company for the right to operate a for-hire vehicle authorized by a for-hire license. It shall be unlawful for the license holder to receive any compensation from the passenger service company which is not specified in the existing passenger service agreement;
- (5) Shall provide who shall be responsible for obtaining the required insurance for the for-hire vehicle;
- (6) Shall provide that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees;
- (7) Shall be signed by both the for-hire license holder and the passenger service company; and



- (8) Shall include a sworn statement attesting to the truth if all representations made in the passenger service agreement.

(j) *Requirement for chauffeur's agreement.* Each passenger service company shall enter into a written chauffeur's agreement with each chauffeur it allows to operate any for-hire vehicle for which the passenger service company provides passenger services. The written chauffeur's agreement:

- (1) Shall provide for an express duration for the agreement;
- (2) Shall only be terminated with at least thirty (30) days prior notice unless good cause be shown and only for the reasons stated therein;
- (3) Shall state the full legal name and address (post office boxes shall not be acceptable) and respective passenger service company's and chauffeur's registration numbers;
- (4) Shall state and itemize the compensation to be paid by the chauffeur for the right to operate a for-hire vehicle authorized by a for-hire license. It shall be unlawful for the passenger service company to receive any compensation from the chauffeur which is not specified in the existing chauffeur's agreement. The Agreement shall specifically provide that the compensation to be paid by a chauffeur may be paid utilizing any of at least two of the following: (1) cash, (2) money order, (3) certified check, (4) cashier's check, (5) valid traveler's check, (6) valid bank credit card, or (7) valid personal check showing on its face the name and address of the chauffeur. The chauffeur shall be allowed to make payment as provided in the preceding sentence, and shall be provided with a written receipt which contains the name of the license holder or passenger service company, whichever is applicable, and the driver, the for-hire license number, payment amount and form of payment utilized, date of payment and the period covered by the payment;

- (5) Shall state whether the passenger service company or the license holder shall be responsible for obtaining the required insurance for the for-hire vehicle;
- (6) Shall state that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees;
- (7) Shall be signed by both the chauffeur and the passenger service company; and
- (8) Shall include a sworn statement attesting to the truth of all representations made in the chauffeur agreement.

(k) *Rules of operation.* Passenger service companies must abide by all rules and regulations applicable to passenger service companies and shall be subject to the enforcement provisions in this chapter and chapter 8CC of the Miami-Dade County Code. For the purposes of this subsection, the phrase "for-hire license holder" shall be substituted for the phrase "passenger service company" where this chapter authorizes a for-hire license holder to provide passenger services and said for-hire license holder does in fact provide passenger services. A passenger service company:

- (1) Shall comply with all applicable federal, State of Florida and Miami-Dade County ordinances, laws, rules and regulations;
- (2) Shall maintain for a one-year period and make available for inspection by police and enforcement personnel a copy of the passenger service agreement with any for-hire license holder and any chauffeur and a copy of the agreement between the for-hire license holder and chauffeur;
- (3) Shall comply with all terms of both the passenger service agreement and the chauffeur agreement;
- (4) Shall maintain a record of all requests for service for each passenger transport request received by telephone or made in writing which shall minimally include the following information: name of passenger requesting service, assigned vehicle number, date and time of service request and service provision, origin and destination of each trip, and whether the passenger requested an accessible vehicle. All records

must be made available for inspection and copying within one (1) business day of such request by the CSD or any police agency during regular business hours and shall be retained for one (1) year;

- (5) Shall maintain a log of all customer complaints;
- (6) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;
- (7) Shall not refuse to dispatch or neglect to dispatch a request to transport to or from any place in the county, any orderly person requesting service;
- (8) Shall hold any personal property deposited in the lost and found facility for a period of six (6) months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year; and
- (9) Shall comply with all applicable obligations of the for-hire license holder when acting as his, her or its agent.

(1) *Responsibility for violations of chapter.* The holder of a passenger service company registration or any person providing passenger services directly shall be responsible for any violation of this chapter involving passenger services and shall be subject to the penalties provided for in this chapter for any such violation. In addition, the registration shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a for-hire license holder or for-hire chauffeur for the same or related offense shall not relieve the passenger service company of its responsibilities or liabilities under this chapter. Violations shall be punishable as provided in this chapter.

(Ord. No. 98-105, § 1, 7-9-98; Ord. No. 01-178, § 1, 11-6-01; Ord. No. 03-45, § 1, 3-11-03)

### ARTICLE III. PASSENGER MOTOR CARRIERS\*

#### Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

- (1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.
- (2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.
- (3) Improvement of motor vehicle safety.
- (4) Achievement of County, national and State energy conservation goals.
- (5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.
- (6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.
- (7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

\*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2—16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.